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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37

Addendum

Summary of communications transmitted to Governments and replies received

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Albania

Informations transmises au gouvernement

1. Par une lettre datée du 18 septembre 1995, le Rapporteur spécial a informé le gouvernement qu'il avait reçu des renseignements selon lesquels la torture et les mauvais traitements de personnes en garde à vue dans des locaux de la police seraient une pratique courante. Elle serait facilitée par le fait que, fréquemment, la police négligerait de déférer les personnes arrêtées devant un juge dans un délai de 24 heures comme l'exige la loi. Les policiers responsables de ces actes seraient rarement poursuivis.

2. Le Rapporteur spécial a notamment reçu des renseignements concernant le mauvais traitement de personnes qui faisaient la grève de la faim en août 1994 : la grève avait été lancée par le Conseil national de l'Association des anciens prisonniers politiques, détenus et personnes victimes de persécutions pour appuyer la demande d'indemnités financières pour les personnes ayant été emprisonnées pour raisons politiques. Le 5 août, après le début de cette grève observée par 2 500 personnes, le tribunal du district de Tirana a ordonné de mettre fin à la grève. La police aurait frappé les grévistes à Pogradec, Durrës et Fier. Le 12 août, la police a brutalement dispersé un rassemblement de grévistes à Tirana.

3. A Pogradec, Stavri Ruvina, secrétaire de l'Association, aurait été battu et frappé à coups de pied pour avoir essayé d'intervenir alors que les policiers brutalisaient un collègue qu'ils expulsaient des locaux où les grévistes s'étaient réunis. Un autre gréviste, Agron Braçellari, aurait été frappé et emmené au commissariat de police où des policiers, y compris le chef de la sûreté et le chef de la police, l'auraient frappé à coups de pied et de matraque. Ses blessures auraient exigé des soins médicaux. Rexhep Cekeçi et Gëzim Dauti Hamiti auraient également été frappés par des policiers.

4. A Durrës, les forces antiémeute auraient expulsé d'un bar à coups de matraque et à coups de pied des personnes qui faisaient la grève de la faim et qui s'étaient réunies dans cet établissement pour manifester. Petro Çela aurait été frappé à trois reprises au moins dans le dos et aurait souffert de troubles cardiaques à la suite de ces coups. Adem Isuf Allçi aurait été frappé à coups de pied et de matraque dans le dos et sur la tête et aurait été blessé à la jambe.

5. A Tirana, le 12 août, des agents de police auraient frappé plusieurs douzaines de manifestants qu'ils expulsaient des locaux de l'Association; il s'agit de Besnik Almuça, Fiqret Xhuza, Pëllumb Kurti, Xhaferr Remiri, Bujar Muça et Petrit Kolloveria.

6. Le Rapporteur spécial a également transmis au Gouvernement albanais des renseignements selon lesquels les brutalités de la police auraient visé surtout les membres du Parti socialiste, en particulier pendant la période précédant le référendum national qui a eu lieu en novembre 1994 et pendant le référendum lui-même. A cet égard, les cas suivants ont été signalés.

7. Arben Memolla, de Rrogozhina, attendait en compagnie d'un cousin que quelqu'un vienne le chercher après une réunion du Parti socialiste le 23 septembre 1994 lorsque trois policiers les ont arrêtés et embarqués dans un fourgon. Dans le véhicule, trois autres policiers les auraient frappés à coups de poing et de pied sans arrêt. Arben Memolla aurait reçu des coups à la tête, au visage et sur tout le corps.

8. Zegine Dervishi, vice-présidente de la cellule du Parti socialiste du village de Donofrosa, aurait été arrêtée le 6 novembre 1994. Dans la voiture de police, elle aurait été battue et frappée à coups de pied dans l'estomac. Elle a été emmenée au poste de Berat et battue de nouveau, tirée par les cheveux et insultée. Selon un certificat médical délivré par l'hôpital qui l'a soignée, elle aurait présenté des contusions à la tête et sur tout le corps. Xhevdet Kodheli, du village de Cukallat et président de la section locale du Parti socialiste, aurait également été arrêté la même nuit et emmené au commissariat de police de Berat. Il aurait été brutalement battu par une dizaine de policiers. En avril 1995, le Parti socialiste aurait porté plainte contre les brutalités infligées à ces membres du Parti socialiste, ainsi qu'à Neim Kaleci, Veli Toska et Petref Sula, membres également du Parti, qui eux aussi auraient été brutalement frappés le 3 avril 1995. Aucune enquête n'aurait été ordonnée.

9. Përparim Hyseni, président de la section locale du Parti socialiste dans le quartier No 9 de Korça, aurait été arrêté par des policiers aux abords de cette ville le 21 novembre 1994. Il aurait été violemment frappé par plusieurs policiers dans un fourgon de la police et de nouveau dans une cellule au commissariat. Il aurait perdu conscience et se serait réveillé à l'hôpital avec des fractures à la tête.

10. Ilir Lulja, sympathisant du Parti socialiste, aurait été arrêté le 25 novembre 1994 par une patrouille de police du commissariat No 2 de Tirana et emmené au poste de police "Kombinat". Il aurait été battu avec des matraques, blessé à la tête, au visage, aux jambes et dans le dos.

11. Le Rapporteur spécial a également transmis des renseignements concernant les cas mentionnés dans les paragraphes suivants.

12. Enrik Islami, de Vlora, aurait été arrêté pour meurtre en juin 1993. Durant les 17 mois qu'a duré sa détention provisoire, il aurait été brutalisé à maintes reprises par des policiers. Le 23 novembre 1994, des policiers lui auraient attaché les mains et les pieds et l'auraient frappé violemment pendant dix minutes en présence d'autres prisonniers; il serait mort par la suite. Après une enquête du procureur de Vlora, le chef de la police de Vlora et trois autres policiers ont été inculpés d'abus de pouvoir ayant entraîné la mort.

13. Irfan Nanaj, de Saranda, aurait été arrêté le 15 janvier 1994 à la suite d'une querelle d'ivrognes dans un café. Emmené au commissariat de police de Saranda, il aurait été battu jusqu'à perdre conscience; il est resté dans le coma pendant deux semaines et est mort le 26 janvier. Un médecin de l'hôpital aurait déclaré à des journalistes qu'Irfan Nanaj avait été battu avec une matraque en caoutchouc et avait souffert d'une hémorragie interne.

Quatre hommes auraient été accusés de sa mort, mais le procès a été ajourné au moins à trois reprises en raison de l'absence du tribunal d'un ou plusieurs des suspects.

14. Robert Kosta, propriétaire de la société "Lluka", et Kristaq Plaku, employé de cette même société, faisaient partie d'un groupe de personnes de l'entreprise qui, le 24 janvier 1994, auraient été frappées à coups de matraque et menacées à l'aide de pistolets par des policiers du commissariat de police No 1 de Tirana. Les brutalités auraient été déclenchées par un différend à propos d'une caravane qui, selon la police, était illégalement garée. Deux jours plus tard, les visages des deux hommes présentaient toujours des traces des coups et Kristaq Plaku pouvait à peine se mouvoir.

15. Ilir Ismaili aurait été violemment frappé vers la mi-avril 1994 par des policiers de Laç qui l'observaient alors qu'il venait en aide à des personnes qui avaient eu un accident de voiture devant le poste de police. Son visage et son corps auraient été gravement contusionnés à la suite des coups reçus.

16. Ismail Stafa, d'Elbasan, se serait approché d'un agent de la brigade anti-incendie le 23 avril 1994 pour régler un différend : le policier l'aurait frappé au visage et menacé de le tuer d'un coup de revolver, avant même que Stafa ne lui adresse la parole. D'autres policiers sont arrivés et Ismail Stafa a été arrêté et emmené au commissariat. Plusieurs policiers l'auraient attaché à un tuyau et battu jusqu'à lui faire perdre connaissance avec des matraques en caoutchouc et un bâton. Deux jours plus tard, le procureur local aurait interrogé Ismail Stafa sur les circonstances de l'accident, mais devant la gravité de ses blessures il aurait ordonné son transfert à l'hôpital. Il a été traité pour de graves contusions, des blessures à la tête et une perforation du tympan à la suite de quoi il a perdu l'usage de son oreille droite. Son état aurait été qualifié de sérieux par un expert médical et il a dû rester six semaines sans travailler. Au début de 1995, l'enquêteur qui s'occupait de l'affaire a été remplacé par un autre enquêteur, à la suite de quoi ses blessures ont été qualifiées de légères. Les poursuites contre un officier de police auraient été suspendues faute de preuves.

17. Emil Fundo, son fils et Gjergj Durmishi auraient été arrêtés le 2 juin 1994 par la police qui soupçonnait Gjergi Durmishi d'être un voleur et violemment battus. Emil Fundo s'est plaint auprès du procureur local, mais aucune poursuite n'a été engagée contre les policiers; ceux-ci auraient été transférés à la police de la circulation, ce qui équivaudrait à une promotion.

18. Edmond Kutulla, Vangjel Namiku et Grigor Rapo, d'Himarra, membres de la minorité grecque, auraient été arrêtés par la sûreté de l'Etat aux abords de Tirana le 18 août 1994. Ils auraient été en possession de tracts demandant la libération de membres de l'organisation "Omonia" représentant la minorité grecque d'Albanie qui devaient passer en jugement à Tirana. Les trois hommes auraient été privés de sommeil pendant 32 heures, battus à coup de matraque dans le dos, sur la plante des pieds, et ils auraient fait l'objet de menaces ainsi que leurs familles. Des certificats médicaux délivrés à la suite d'un examen d'Edmond Kutulla et de Grigor Rapo le 26 août à l'hôpital Evangelismos

d'Athènes auraient confirmé la présence de contusions et d'oedèmes sur la plante des pieds, ainsi que d'une lésion sur le côté gauche de la poitrine d'Edmond Kutulla.

19. Dhimitraq Petro aurait été arrêté vers le milieu du mois de septembre 1994 par la police de Korça à la suite d'une querelle familiale. Alors qu'il était emmené au poste de police, il aurait été battu par des policiers et, après avoir perdu connaissance, aurait été emmené dans un hôpital. Malgré une opération, il n'est jamais sorti du coma et il est mort le 18 septembre de lésions crâniennes. Un parent aurait essayé d'engager des poursuites pénales contre les policiers responsables, mais se serait heurté au manque de coopération des autorités compétentes.

20. Osman Curciali aurait été arrêté sans chef d'accusation le 20 septembre 1994 et détenu au commissariat de police No 10 de Tirana. Il aurait été brutalement frappé et relâché après 48 heures.

21. Avdi Keçi, Ali Keçi, Enver Keçi et trois parentes auraient été battus par la police à leur domicile à Fushë-Kruja, le 17 octobre 1994, à la suite d'un incident survenu plus tôt dans la journée lorsqu'Ali Keçi s'était adressé de façon grossière à une femme. Avdi Keçi aurait été battu de nouveau lors de son transfert au commissariat de police local et aurait été relâché deux heures plus tard. Par la suite, il a perdu conscience et a dû être soigné à l'hôpital. Un médecin de l'hôpital aurait refusé de lui délivrer un certificat médical.

Algeria

Informations transmises au gouvernement et réponses reçues

22. Par une lettre datée du 23 octobre 1994, le Rapporteur spécial a informé le gouvernement qu'il avait reçu des renseignements selon lesquels, depuis la déclaration de l'état d'urgence en 1992, les forces de sécurité (police, gendarmerie et personnel militaire) auraient souvent recours à la torture des détenus en garde à vue dans le but d'obtenir des confessions. La garde à vue serait fréquemment prolongée au-delà de la période de 12 jours prévue par le décret antiterroriste de septembre 1992. Pendant cette période, les détenus seraient privés de tout contact avec leur famille ou leurs avocats, lesquels ne seraient même pas informés du lieu de leur détention.

23. Les méthodes de torture utilisées le plus souvent seraient le "chiffon" (le détenu est attaché à un banc ou suspendu à une barre et on introduit dans sa bouche un chiffon ainsi que de l'eau sale mélangée avec du détergent ou d'autres produits chimiques), les brûlures au moyen d'un chalumeau, les électrochocs, la suspension par les poignets, les abus sexuels, etc.
Des informations concernant les cas individuels suivants ont été communiquées au Gouvernement algérien.

24. Saâdane Hassani aurait été arrêté la nuit du 13 novembre 1993 à son domicile d'Alger et emmené dans un centre de détention à Châteauneuf.
Deux semaines plus tard, il aurait été transféré au Commissariat central, où il serait resté jusqu'au 10 janvier, date à laquelle il aurait été transféré à la prison. Au cours de ces deux mois, il aurait été torturé avec la méthode

du chiffon, il aurait reçu des brûlures sur la poitrine ainsi que des électrochocs et il aurait été battu. Pendant ce temps, aucune information n'aurait été communiquée à sa famille par les autorités concernant l'endroit où il était détenu. Le gouvernement a répondu que M. Saâdane avait été poursuivi dans le cadre de l'affaire sur l'enlèvement des trois agents consulaires français et condamné à trois années d'emprisonnement.

25. Noureddine Lamdjadani aurait été arrêté le 17 mai 1994 après s'être présenté dans un commissariat de police d'Alger où il avait été convoqué. Il serait resté en garde à vue jusqu'au 17 juillet. Les trois premiers jours, il serait resté au Commissariat central où on lui aurait ôté ses vêtements, attaché à un banc et on aurait essayé de l'étouffer au moyen d'un chiffon introduit dans la bouche. On aurait également introduit en grandes quantités du liquide dans sa bouche en même temps qu'il était battu. Au bout de ces trois jours, il aurait été transféré au centre de détention de Châteauneuf, où il aurait à nouveau été soumis à ce type de traitement à plusieurs reprises.

26. Saïd Moulay, professeur de mathématiques à l'université, aurait été arrêté le 19 juin 1994 à Alger alors qu'il conduisait sa voiture en compagnie de ses deux enfants âgés de quatre et neuf ans. Il serait resté en garde à vue pendant un mois, sans que sa famille eût été informée de l'endroit où il se trouvait. Il aurait été torturé par la méthode du chiffon et battu à coups de bâton, y compris sur la plante des pieds.

27. Le gouvernement a répondu que Noureddine Lamdjadani et Saïd Moulay étaient poursuivis des chefs d'inculpation d'assassinat et appartenance à une organisation terroriste armée. Lors de leur interrogatoire sur les faits à l'occasion de leur comparution devant le juge d'instruction, tant eux que Saâdane Hassani ont fait état des mauvais traitements qu'ils auraient subis. Or, au moment de leur audition, aucun élément susceptible de corroborer les allégations de mauvais traitements n'est apparu au magistrat instructeur, ce qui n'a pas permis à ce dernier de communiquer le dossier au Procureur de la République pour l'ouverture d'une information du chef de sévices et mauvais traitements. Par ailleurs, leurs avocats n'ont pas déposé plainte.

Suivi d'un cas transmis au gouvernement en 1994

28. Le 29 novembre 1994, le Rapporteur spécial a envoyé un appel urgent concernant Abdelkrim Mammeri, arrêté à Alger le 12 novembre 1994 et qui était détenu dans un lieu inconnu. A propos de cet appel urgent, le gouvernement a répondu le 23 janvier 1995 que M. Mammeri avait effectivement été arrêté et qu'il avait été présenté devant la Cour spéciale d'Alger le 10 décembre 1994 avec le chef d'inculpation de création d'une organisation armée. Au moment où la réponse a été envoyée, il était en détention préventive à l'établissement de rééducation d'El-Harrach, près d'Alger.

29. Selon des informations complémentaires reçues de sources non gouvernementales, l'Observatoire national des droits de l'homme a ouvert une enquête sur les circonstances de l'arrestation de M. Mammeri, ainsi que sur les allégations selon lesquelles il aurait été torturé pendant la période de garde à vue. Au cours de cette enquête, M. Mammeri a déclaré qu'il avait été dans une geôle vide et dormait à même le sol et qu'il avait droit à un quart de pain tous les deux jours. Le premier jour, il aurait été entièrement dénudé

et sorti dans la cour où il aurait été aspergé d'eau glacée. Pendant deux heures, outre les menaces verbales, son sexe aurait été relié à sa langue et attaché avec le cordon de son veston. Il aurait été sodomisé par l'intromission d'une tige de fer dans l'anus. Le lendemain, il aurait été ligoté sur un banc à plat ventre, les mains pendantes rattachées entre elles avec des menottes; un chiffon lui aurait été enfoncé dans la bouche ainsi qu'un tuyau d'eau. Son pied gauche aurait été brûlé à la cigarette. Sous la torture, il aurait avoué avoir été l'auteur de la bombe déposée au Ministère de la justice. A la suite de son enquête, l'Observatoire a fait une série de recommandations.

30. En décembre 1995, le gouvernement a répondu qu'à la suite de ses déclarations faisant état des mauvais traitements qu'il aurait subis, son avocat a déposé plainte. Une information judiciaire a été ouverte devant le juge d'instruction du tribunal d'Alger.

Appels urgents et réponses reçues

31. Le 19 avril 1995, le Rapporteur spécial a adressé un appel urgent au gouvernement en faveur de Mohamed Benmarksi qui aurait été arrêté à Alger le 8 avril 1995 par des membres des forces de sécurité. Depuis son arrestation, sa famille n'avait pas pu obtenir des renseignements sur son lieu de détention ou sur les charges à son égard. Le 6 octobre 1995, le gouvernement a informé le Rapporteur spécial que M. Benmarksi avait été relâché le 18 avril 1995.

Argentina

Respuestas recibidas del Gobierno con respecto a casos incluidos en informes anteriores

32. Con fecha 28 de abril de 1994, el Relator Especial transmitió al Gobierno las denuncias recibidas sobre varios casos de tortura y malos tratos que habrían ocurrido en las provincias de Corrientes y Chaco. Con fecha 7 de octubre de 1994, el Gobierno transmitió al Relator Especial las respuestas que se resumen en los párrafos siguientes.

33. Pedro Salvador Aguirre, presuntamente torturado el 16 de febrero de 1993 en la brigada de investigaciones de Corrientes. El Gobierno informó que cuatro agentes prestaron declaración en calidad de imputados ante el Juzgado de Instrucción N° 3 de Corrientes; sin embargo, el 26 de abril de 1994 se dictó auto de falta de mérito en favor de los mismos.

34. Carlos Alberto Parodi y Andrés González, presuntamente golpeados el 11 de octubre de 1992 por policías en Corrientes. El Gobierno informó que en noviembre de 1993 el Juzgado de Instrucción N° 1 de Corrientes dispuso el procesamiento de dos de los imputados, al mismo tiempo que dictó auto de falta de mérito respecto a otros tres.

35. Gerardo Antonio Velozo, detenido el 20 de junio de 1992 en Corrientes y presuntamente torturado en la brigada de investigaciones; el 5 de octubre del

mismo año habría sido asesinado. El Gobierno informó que una persona fue condenada en primera instancia por delito de homicidio y que una segunda fue inculpada y declarada en rebeldía.

36. Carlos Alberto Franco y Roberto Ramón Franco, presuntamente golpeados en la comisaría del Tercer Recinto de Resistencia el 3 de febrero de 1993. El Gobierno informó que el Juzgado de Instrucción N° 6 de Resistencia sobreseyó el proceso en el que había tres personas imputadas.

37. Antonio Miguel Fernández, 13 años, habría sido golpeado y disparado con balas de goma, el 15 de agosto de 1992, por la policía del distrito de Barranqueras, Resistencia. El Gobierno informó que la Dirección de Reconocimientos Médicos de la Cámara de Diputados de la provincia de Chaco comprobó la existencia de señales concordantes con el trato descrito.

38. Sergio de la Cruz Avalos, 15 años, habría sido torturado el 8 de septiembre de 1993 en la comisaría de policía de Fontana, Chaco. El Gobierno informó que no existe denuncia judicial sobre el caso.

39. Rubén Horacio Rubén Horacio Paz, Guido Aníbal de la Cruz Benítez, Marciana Benítez y Hugo Fabián Crespo, presuntamente torturados por la policía en julio de 1992 en Presidencia Roque Sáenz Peña. El Gobierno informó que en mayo de 1994 el Superior Tribunal de Justicia de la provincia de Chaco declaró el archivo de las actuaciones en las que se investigaban los apremios ilegales y abusos deshonestos.

40. Santiago Sánchez y Luis Angel Martínez, presuntamente torturados el 11 de abril de 1992 en la comisaría de Presidencia Roca, Chaco. El Gobierno informó que con fecha 13 de julio de 1992 el Juzgado Unico de Instrucción de General San Martín dictó el sobreseimiento total y definitivo de los imputados.

41. Isabel Irala, presuntamente golpeada por la policía en Villa Río Negro, Resistencia, cuando se encontraba embarazada. El Gobierno informó que la causa se encuentra en etapa de instrucción.

Austria

Information transmitted to the Government

42. By letter dated 29 May 1995 the Special Rapporteur informed the Government that he had received reports indicating that a number of foreigners, some of them asylum-seekers, had been subjected to ill-treatment by police or prison officers. During periods of pre-expulsion detention (Schubhaft), which under law may last for up to six months, foreigners were said to be most vulnerable to ill-treatment. Asylum-seekers subjected to ill-treatment were typically reluctant to make any formal complaint for fear that their asylum applications would be prejudiced.

43. The Special Rapporteur also communicated the case of Naser Palushi, an ethnic Albanian asylum-seeker from Yugoslavia, who was placed in pre-expulsion detention in the East Vienna Police Detention Centre in April 1994, whereafter he embarked upon a hunger strike. He fainted in the toilets on 22 May, after which four officers allegedly dragged him into his cell, kicked him, and

stabbed him behind the ears with ball-point pens. He was subsequently refused access to a doctor. He filed a criminal complaint regarding his ill-treatment, the outcome of which was unknown.

Bahamas

Urgent appeals

44. On 8 August 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Leavon Williamson and Melvin Saunders, who were sentenced to be flogged. They were reported to be the first persons to receive a flogging sentence since corporal punishment was reinstated into law in 1991. Six of the 12 strokes prescribed for Leavon Williamson's punishment were allegedly administered before the expiry of the 21-day period in which a defendant has the right to lodge an appeal to a higher court.

Bahrain

Information transmitted to the Government and replies received

45. By letter dated 26 June 1995 the Special Rapporteur advised the Government that he had received information according to which persons arrested by the security forces for political reasons since December 1994 had been tortured in order to extract information or "confessions". The forms of torture reported include severe beatings, suspension from the limbs for prolonged periods and sexual abuse. At least 700 persons were said to have been arrested, mainly from the predominantly Shi'a Muslim districts in Sitra, Jidd Hafs and the Northern Region. The detainees were typically held incommunicado for prolonged periods, without charge or trial, in al-Qala and Jaw prisons. A large number of persons, including many women, were also allegedly beaten or otherwise ill-treated during house-to-house searches and peaceful protests.

46. The Government replied in a letter dated 25 September 1995 that from December 1994 to April 1995 Bahrain had been subjected to a foreign-backed campaign of terror aimed at destabilizing the country with the objective of creating a fundamentalist regime under foreign control. Under Bahraini law, torture is a criminal offence and aggrieved persons have the right to seek redress in the courts. However, no complaints about torture had been filed in Bahrain.

47. The Special Rapporteur also communicated a number of individual cases, summarized in the following paragraphs, to which the Government provided replies.

48. Haj Mirza Ali Abdul-Radha, the 65-year-old caretaker at the Al-Mashraf mosque in Jidd Hafs, was allegedly beaten severely by members of the security forces during a raid on the mosque on 20 December 1994. He died in hospital the same day. The Security and Intelligence Service (SIS) reportedly ordered his family to bury him secretly in the night and forbade the holding of any ceremonies. The Government replied that Haj Mirza Ali Abdul-Radha had never been in police custody and no incident involving a mosque was recorded on the date in question.

49. Hussain Qambur, aged 18 from Madinat Issa, was reportedly arrested in late December 1994. He was interrogated by the SIS and died in jail on 4 January 1995. The next day his family were summoned to witness his burial in secret, whereupon signs of torture were observed on his body. The Government replied that no record of the arrest or death of Hussain Qambur existed.

50. Shaikh Husain Al Akraf was reportedly arrested on 12 January 1995 in Duraz village and allegedly tortured, including by being suspended from his feet upside down for 15 hours. He was subsequently released, but was unable to walk or stand. The Government replied that there was no record that Sheikh Husain Al Akraf had been in police custody.

51. Ali al-Taitoon, detained at Al-Qala'a prison in Manama, was reportedly brought before another detainee, Shaikh Ali Salman, on 5 December 1994, and tortured until he confessed to his participation with Shaikh Salman in illegal political activities. Abdul Ghani Jaafer Al-Mesbah was similarly taken before Shaikh Salman to confess, after having been forced to stand upright and deprived of sleep for seven days. Upon refusing to make a confession, he was allegedly beaten severely, including by a whipping with a plastic tube. The Government replied that there was no evidence that either person had been mistreated and both had received regular medical attention for minor ailments.

Urgent appeals sent and replies received

52. On 10 April 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Shaikh Khalil Sultan and Shaikh Hassan Sultan, who had been arrested and whose whereabouts were unknown. The Government informed the Special Rapporteur in a communication dated 1 May 1995 that both men were arrested on 1 April 1995 on various charges connected with violent political activity. Their conditions of remand were humane and routine medical examinations did not reveal mistreatment.

53. The Special Rapporteur made an urgent appeal on 4 May 1995 on behalf of Shaikh 'Abd al-Amir Mansur al-Jamri, a prominent Shi'a Muslim religious scholar, who was reportedly detained from his home in Bani Jamra by security forces on 15 April 1995 and held at an undisclosed location. He and 18 other members of his family had initially been kept under house arrest from 1 April to 15 April 1995. In a subsequent appeal dated 12 May 1995 the Special Rapporteur informed the Government that new information received indicated that Shaikh al-Jamri was suffering from heart disease and was in a deteriorating state of health. Fears were expressed that he was not receiving adequate medical attention. In addition, 'Afaf 'Abd al-Amir al-Jamri, the daughter of Shaikh al-Jamri, was allegedly beaten by police officers when she went to visit her father at al-Qal Prison in al-Manama on 9 May. She herself was then reportedly taken into custody and her subsequent whereabouts were unknown.

54. On 10 July 1995 the Special Rapporteur transmitted an urgent appeal on behalf of the following persons, who were reportedly arrested by members of the security police and riot police: Muhammad Ja'far al-Ma'raj, (arrested 29 June 1995 in al-Qur'ya); 'Ali Yusif Hassan and 'Ali Fallah 'Abdullah, (arrested 30 June in al-Qur'ya); 'Abd al-'Ali Jassim, (arrested 2 July in Jidd

Haffs); and 'Abd al-Hussein Hussein Ma'raj Mal Allah, (arrested 2 July 1995 in Nuwaidrat). Each of these persons was allegedly beaten in front of their families upon arrest. The whereabouts of the detainees were unknown.

Follow-up of cases transmitted previously

55. On 12 December 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Al-Shaikh 'Ali Salman and Ibrahim Hassan, who had been arrested on 5 December and were held at Al-Qala prison, reportedly after signing a petition calling for the reinstatement of the parliament. On 26 April 1995, the Government informed the Special Rapporteur that the two men had been arrested on charges relating to the assault of participants in a national charity marathon event on 25 November 1994, not for their signing of a petition. They had been treated humanely and had received medical attention. Ali Salman was released on 18 January 1995 and appeared publicly at a press conference in London shortly thereafter. Ibrahim Hassan remained in custody pending trial.

Bangladesh

Information transmitted to the Government

56. By letter dated 29 May 1995 the Special Rapporteur informed the Government that he had received information according to which local village arbitration councils, known as salish, had convicted and sentenced a number of persons to public flogging or death. The salish were said to be traditional institutions without legal standing established on an ad hoc basis for the purposes of dispute resolution. The defendants appearing before the salish were almost always women whose behaviour did not conform to religious or socially accepted norms. Local clerics play a primary role in the salish and apply Shari'a law, often in contravention to the civil law comprising the Bangladesh Penal Code. The salish reportedly operate with little interference from legally established official institutions.

57. The Special Rapporteur transmitted two cases in which sentences pronounced by a salish amounting to torture or ill-treatment had reportedly been carried out and in which prosecutions were undertaken against those responsible for the alleged abuses. Nurjahan, reportedly sentenced by a village salish in Chatakchara village, Sylhet district in January 1993 to be stoned publicly 101 times, died a few hours after being partially buried in the ground and pelted with stones by villagers. Although her parents maintained that she had in fact survived the stoning, but had committed suicide from shame, it was alleged that they may have been pressured to make that assertion. On 22 February 1994, a district magistrate's court in Moulvibazar sentenced the village headman, the imam of the village mosque and seven other village elders who had participated in the salish to seven years' imprisonment and a fine. An appeal against the sentence was reportedly pending. Another woman, also named Nurjahan, was allegedly burned at the stake on 5 May 1993 after she was found guilty of adultery by a salish. The District and Sessions Court judge in Faridpur acquitted those accused of her killing on 22 June 1994 for lack of evidence. This result was under appeal. The Special Rapporteur requested that the Government keep him apprised on developments in these two cases.

58. The Special Rapporteur also transmitted the following four cases in which sentences pronounced by a salish amounting to torture or ill-treatment were carried out and no prosecution of those responsible was reported to have been undertaken: (a) Roqaiya was reportedly convicted and sentenced by a salish in Sultanpur village, Farhadnagar union, Feni district on 9 January 1994 for having an extramarital relationship and giving birth to a child. She was then allegedly partly stripped, covered with black paint or tar, garlanded with shoes and paraded through the village streets; (b) Rezia Khatun was reportedly forced to drink her own urine after being found guilty of adultery by a salish around August 1994 in Bara Chaimati village in Kishoreganj district; (c) Sahahida was allegedly publicly caned 100 times on 16 September 1994 pursuant to a sentence ordered by a salish in Jamgora village in Savar near Dhaka because she had given birth to a child following an extramarital relationship; (d) Julekha, a 13-year-old girl, was allegedly flogged 101 times on 8 October 1994 by the local cleric in a village in Satkhira district, after he had found her guilty of an extramarital relationship. As a result, she was taken to hospital unconscious.

59. The Special Rapporteur further transmitted two cases in which sentences were reportedly pronounced by the salish which, if carried out, would amount to torture or inhuman and degrading treatment. The victims were said thus far to have evaded the infliction of punishment by fleeing their respective villages and taking shelter elsewhere. Dulali, a young unmarried woman, was reportedly sentenced in a fatwa issued on 18 January 1994 by an imam in Balchura village, Noahkali district to be caned 101 times in public for allegedly having an extramarital relationship with a local married man. Sapnahar, a 13-year-old girl, was reportedly sentenced on 11 May 1994 to be publicly flogged 101 times after she became pregnant after being raped by a villager in Dhamsa village, Brahmanbaria district in August or September 1993. The alleged rapist was himself acquitted because the four adult male Muslim witnesses of good repute required under Shar'ia to establish rape were not available.

60. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

Bolivia

Llamamientos urgentes y respuestas del Gobierno sobre los mismos

61. Durante 1995, el Relator Especial envió dos llamamientos urgentes al Gobierno. El primero, transmitido el 28 de abril de 1995, se refería a un grupo de sindicalistas de la Central Obrera Boliviana y otros sindicatos, que formaban parte de un grupo de más de 300 personas detenidas a raíz de la declaración del estado de emergencia el 18 de abril de 1995, principalmente en las regiones de Colcha K., Ramón Darío y San Joaquín (departamento de Beni), Puerto Rico (departamento de Pando) y Apolo (departamento de La Paz). En los informes recibidos se indicaba que muchos de los detenidos habían sido sometidos a golpes y descargas eléctricas y que las familias no habían sido autorizadas a visitarlos. También se indicaba que cuatro de ellos se encontraban en mal estado de salud y no estaban recibiendo tratamiento médico. Con fecha 8 de mayo de 1995, el Gobierno respondió que en ningún momento se

habían violado los derechos humanos de los dirigentes sindicales y trabajadores de base, situación que había sido reconocida por ellos mismos. Todos, excepto cuatro que enfrentaban cargos ante la justicia ordinaria, fueron liberados a principios de mayo.

62. El segundo llamamiento urgente fue enviado el 29 de septiembre de 1995 en favor de las siguientes personas: David Herrera, Vicente Vigabriel, Cancio Nina Ramírez, Marcial Alave, Osvaldo Mamani, Nemesio Montaño, José Claros, Fausto Montaño, Anselmo Cerezo, José Meneses Vigamonte, René Ramírez y Martín Villamontes. Según se informó, estos campesinos fueron detenidos entre el 19 y el 21 de septiembre de 1995 en el marco de un operativo policial dirigido a erradicar cultivos de hoja de coca en la región de Chapare, Cochabamba. Miembros de organizaciones no gubernamentales habrían visitado a algunos de los detenidos, quienes habrían manifestado haber sido golpeados, amenazados y sometidos a presiones en el curso de interrogatorios.

Brazil

Information received from the Government with respect to cases included in previous reports

63. On 2 December 1994 the Special Rapporteur sent an urgent appeal on behalf of persons allegedly detained and ill-treated during the course of an anti-drug operation by soldiers in the *favela* Borel, Rio de Janeiro, between 25 and 28 November 1994. By letter dated 14 December 1994 the Government replied that the Ministry of the Army had set up an inquiry to establish the facts of the case. If the facts alleged proved true, the perpetrators would be punished.

Bulgaria

Information transmitted to the Government

64. By letter dated 11 April 1995 the Special Rapporteur advised the Government that he had received information on the cases of torture described in the following paragraphs.

65. Zahari Aleksandrov Stefanov, an ethnic Turk married to a Rom, was reportedly arrested and beaten by three police officers at the railway station in Dubovo on 3 June 1993 and beaten again during interrogation at the mayor's office, as a result of which he suffered severe swelling of his feet. He was allegedly beaten all over his body with fists and wooden sticks while being taken to his home and to other homes in Dubovo to identify items he was suspected of stealing. He was eventually brought to the regional police station in Kazanluk, where he died on 5 June. Press accounts indicated that he had committed suicide by jumping from a third-floor room where he was being interrogated, but his family were not provided with a death certificate and were told that no autopsy report existed. The local prosecutor had not completed his investigation of the death within the statutorily required six-month period.

66. Kolyo Petro Iliev (aged 11), Petar Yordanov Khristov (aged 14), Zhivka Velikova Dimitrova (female), Liliana Dimitrova Todorova (female),

Todorka Simeonova Ilieva (female), Mariyka Ilieva Dimitrova (female), Rilka Yordanova Dimitrova (female), Ilia Slavov Banov, Boiko Yordanov Nikolov, Petar Iliev Dimitrov, Nikola Kinchev Dimitrov, Angel Slavov Banov, Vassil Slavov Banov, Petar Todorov Iliev and Todor Iliev Todorov were among 40 Rom persons from the village of Topolchane in the Sliven region who were gathering grapes illegally in the village of Glushnik on the night of 3 November 1993, when a police officer from Zhelyu Voivoda and 3 armed men reportedly apprehended them and locked them up in a pigsty in Glushnik. The next morning, after villagers had gathered at the pigsty, Ilia Slavov Banov was removed and allegedly beaten by villagers with fists and sticks. Sixteen other detainees were reportedly removed one by one, tied to a metal fence with their hands held behind their backs and beaten by a police sergeant, the village mayor and villagers. The women detainees were reportedly threatened with rape. A police patrol later arrived and took the detained Roma to an office, where they were eventually released.

67. In the course of a raid carried out by several hundred police officers from various regional police departments and special units of the Ministry of Internal Affairs on 4 August 1994 in the Roma community in Pazardjik, armed officers allegedly broke into homes and indiscriminately beat the occupants. In one such incident, 10 to 12 armed policemen wearing black masks allegedly entered the home of Aleksandr Assenov Nedialkov, beat him in his bed, outside, and at the Pazardjik Regional Police Department. He was released with an explanation that he been arrested by mistake. A medical certificate described contusions on the head, lesions on both lips and the forehead, and extensive bruising on the shoulders, back, buttocks and thighs.

68. Lyubcho Sofiev Terziev was reportedly arrested near Maglizh in the course of the Pazardjik police action and died two days later in the police station of Kazanluk. Witnesses at his funeral were said to have observed traces of beatings all over his body, including injuries on his penis suspected to have been caused by electric shocks. A death certificate referred to heart failure as the cause of death.

69. The Special Rapporteur also informed the Government that he had received further information with respect to some previously transmitted allegations. Concerns were expressed in particular with regard to alleged inadequacies of the official investigations and measures taken in response to the June 1992 incidents at Pazardjik, in the course of which police officers allegedly beat a number of Rom persons indiscriminately, as well as to allegations of the torture and ill-treatment of Roma in Novi Pazar (see E/CN.4/1995/34, paras. 77 and 78). The source also expressed concern that in refusing to initiate an investigation into allegations of police beatings of Anton Stefan Assenov and Stefan Assenov Ivanov, the Varna military prosecutor had disregarded critical medical evidence and that an appeal to the Chief Military Prosecutor was rejected without a review of all evidence in the case, including the testimony of the victims (see E/CN.4/1995/34, para. 79). Finally, in the case of Khristo Nedialkov Khristov, the source stated that the police had failed to interview witnesses who had alleged that medical staff treating him had been subjected to intimidation by local police and that the Government's reply stating that the "patient was found in good condition and without injuries on his body" had been contradicted by witnesses who saw him soon after his

admission to hospital. Three days later he had undergone surgery during which a part of his lung and a kidney were removed (see E/CN.4/1995/34, para. 80).

Burundi

Appels urgents

70. Le 28 mars 1995, le Rapporteur spécial a envoyé un appel urgent au gouvernement au sujet de Jean Minani, Tharcisse Nzimpora et 10 autres personnes de Kinama qui auraient été arrêtées autour du 15 mars 1995 accusées d'avoir participé à l'assassinat de l'ancien maire de Bujumbura, le lieutenant-colonel Lucien Sakubu. Selon les rapports, elles étaient détenues à la Brigade spéciale de recherche (BSR) à Bujumbura où elles auraient été soumises à des tortures.

71. Le 6 juillet 1995, le Rapporteur spécial a envoyé un autre appel urgent, conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, attirant cette fois ci l'attention du gouvernement sur des informations reçues au sujet de la situation des réfugiés rwandais et burundais vivant dans la région frontalière entre la Tanzanie et le Burundi. Selon ces informations, depuis le mois d'avril 1995, des patrouilles à la frontière tanzanienne refoulaient des réfugiés rwandais et burundais qui, dès leur arrivée au Burundi, étaient attaqués et maltraités.

Canada

Urgent appeals sent and replies received

72. On 31 March 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Nadine Mbulu, the niece of the President of Anader, an opposition political party in Zaire, who arrived in Canada on 4 March 1995 and was being held at the Tanguay prison in Montreal. She had fled Zaire, where she had allegedly been subjected to ill-treatment, and was urgently in need of psychiatric care. She was said to have been unable to understand the proceedings for requesting asylum, despite which a deportation order was issued against her. Fears were expressed that if she were deported to Zaire, she might be arrested upon her arrival and face ill-treatment.

73. By letter dated 14 May 1995 the Government replied that the letter of appeal of the Special Rapporteur had not been received in time to permit immigration officials to be advised of its contents and that Nadine Mbulu had been removed from Canada to Zaire on 2 April 1995. The Department of Citizenship and Immigration had determined that the removal process was consistent with Canadian immigration law. That process had included an unsuccessful application by Ms. Mbulu to the Federal Court of Canada for a stay of execution of the removal order.

Chile

Información transmitida al Gobierno y respuestas recibidas

74. El 12 de abril de 1995, el Relator Especial transmitió al Gobierno los casos de tortura que figuran en los párrafos siguientes, a los cuales el Gobierno respondió con fecha 9 de agosto de 1995.

75. María Teresa González Ramírez, detenida el 4 de agosto de 1991 en Santiago en el curso de una manifestación del Movimiento Juvenil Lautaro; habría sido golpeada, sometida a un simulacro de fusilamiento y objeto de abuso sexual. El Gobierno informó que la investigación realizada por carabineros no había arrojado indicios de maltrato. La causa fue sobreseída temporalmente por no estar justificada la perpetración del delito.

76. Jorge Danilo Soto Núñez, detenido el 29 de mayo de 1992 en Santiago por carabineros de la 25a. comisaría; trasladado a la citada comisaría, habría sido objeto de numerosos golpes, producto de los cuales habría resultado con fractura en la mandíbula y hematomas en el brazo izquierdo. El Gobierno informó que la querella por lesiones presentada fue sobreseída temporalmente por no haberse acreditado totalmente la perpetración del delito.

77. Enrique Héctor Grau Matamala, detenido el 30 de abril de 1992 en Santiago por carabineros, quienes le habrían propinado gran cantidad de golpes y amenazado de muerte con una metralleta puesta en la sien. El Gobierno informó que la Prefectura central de carabineros no registra la detención de esta persona. El Sr. Grau presentó una querella por robo en contra de carabineros que fue sobreseída temporalmente.

78. Sergio Enrique Pizarro Salinas, detenido el 8 de marzo de 1992 por dos carabineros; en el momento de su detención habría sido repetidamente golpeado en presencia de testigos, a consecuencia de lo cual sería trasladado, poco después de haber llegado a la primera comisaría de carabineros, a la Casa central de la asistencia pública donde se le diagnosticaría hematomas múltiples y fractura en la pierna derecha. El Gobierno informó que, según versión de carabineros, el detenido habría intentado escaparse en la vía pública, resbalando y cayendo, lo que habría ocasionado la mencionada fractura. Conoce la causa el Segundo Juzgado Militar.

79. Miguel Angel Barrales Monsalve fue detenido por carabineros en Santiago el 12 de agosto de 1992; trasladado a la tercera comisiaría, habría sido encadenado y golpeado, mojado con baldes de agua y se le habría sumergido la cabeza en un lavatorio lleno de un líquido que no supo identificar. El Gobierno informó que esta persona fue detenida por maltrato de obra a carabineros y que posteriormente se le diagnosticaron lesiones leves. La investigación, a cargo del Segundo Juzgado del Crimen, sigue su curso.

80. Carlos Alberto Alvarez González fue detenido el 26 de marzo de 1993 en Santiago por miembros de la policía de investigaciones que sospechaban de su pertenencia al grupo Mapu-Lautaro; antes de ser presentado ante un juez permaneció detenido durante ocho días, en el curso de los cuales habría sido sometido a golpes, simulacros de ejecución, aplicación de corriente eléctrica, privación de sueño y amenazas y habría sido obligado a firmar una confesión.

El Gobierno informó que en el curso de su detención policial fue examinado por un médico institucional y otro del servicio medicolegal, quienes no constataron lesiones. No hubo investigación administrativa por no haberse recibido denuncia al respecto.

81. Víctor Hugo Solís Chico y Pedro Andrés Bórquez Rodríguez fueron detenidos en Valdivia el 18 de abril de 1993 por personal de investigaciones que los trasladó al cuartel de esa ciudad. Fueron introducidos en una sala donde, en dos ocasiones, se les habría aplicado electricidad en los testículos, axilas, sienes y pecho con el objeto de que se autoinculparan de varios delitos. Al día siguiente fueron puestos a disposición del Tercer Juzgado del Crimen de Valdivia, ante el que refirieron los tormentos sufridos. El médico legista de Valdivia certificó en el proceso correspondiente la existencia de lesiones y el origen de las mismas. Posteriormente, y de manera al parecer irregular, la causa pasó a ser conocida por el Primer Juzgado del Crimen, tribunal que sobreseyó el proceso por aplicación de tormentos por cuanto habría certificados médicos contradictorios con el del médico legista. El Gobierno informó que el médico legista constató lesiones en Solís Chico pero no en Bórquez Rodríguez. El proceso fue sobreseído por falta de méritos.

82. Berta Alicia Valenzuela Cortés fue detenida en Santiago el 7 de septiembre de 1993 por tres individuos sospechosos de pertenecer a los servicios de inteligencia; trasladada a un lugar que no pudo identificar habría sido sometida a interrogatorio a propósito de su supuesta vinculación con el Movimiento Juvenil Lautaro, al tiempo que era golpeada, amenazada de muerte y violada; al cabo de unas horas fue puesta en libertad. El Gobierno informó que no existe registro de que esta persona haya sido detenida por alguna de las policías.

83. Claudio Williams Andrade Carreño fue detenido el 12 de octubre de 1993 en Santiago por funcionarios policiales; trasladado a la subcomisaría San José de Maipo habría sido sometido a numerosos golpes a consecuencia de los cuales debió ser intervenido quirúrgicamente algunos días después. El Gobierno informó que un cabo de carabineros fue sancionado disciplinariamente. La causa penal está siendo considerada por la Sexta Fiscalía Militar de Santiago.

84. Maria Eva Polanco Vilches fue detenida en Santiago el 11 de diciembre de 1993 por un grupo de carabineros, quienes le habrían doblado los brazos y ejercido una fuerte presión con sus pulgares en manos y antebrazos, provocándole -según diagnóstico médico- contusiones en el antebrazo derecho y esguince en pulgar derecho. A continuación fue conducida a una comisaría donde también habría sido golpeada; horas después el propio personal de carabineros la trasladó a un centro de salud donde debió ser enyesada. El Gobierno informó que carabineros no tiene antecedentes que corroboren la denuncia presentada. La Cuarta Fiscalía Militar conoce la causa.

85. Mauricio Agustín Villegas Guzmán fue detenido por carabineros el 21 de noviembre de 1993 en Santiago cuando conducía un vehículo sin la documentación respectiva y bajo la influencia de alcohol; trasladado a la 13a. comisaría habría sido severamente golpeado. Al ser dejado en libertad acudió al hospital donde se le diagnosticó contusión abdominal, contusión renal, hematuria macroscópica y peritonitis con ruptura vesical. El Gobierno informó

que un funcionario de carabineros fue sancionado disciplinariamente. La causa penal fue sobreseída temporalmente por no encontrarse plenamente justificada la perpetración del delito.

86. José Luis Medina Soto fue detenido el 23 de febrero de 1994 en Villa O'Higgins, Santiago, por efectivos de la policía de investigaciones. Trasladado al cuartel de lo Prado habría sido sometido a golpes y corriente eléctrica y se le habría colgado mediante el sistema conocido como "pau de arara". Un representante del instituto medicolegal habría constatado lesiones en cráneo, zona torácica, hematomas en antebrazos y bíceps y contusiones en la mandíbula. El Gobierno informó que un médico del servicio medicolegal constató contusiones y esquimosis las cuales, según versión de la policía, fueron producto del uso de la fuerza necesaria para reducirlo al detenerlo. La policía de investigaciones no realizó una investigación interna al no haberse recepcionado reclamo alguno.

87. Cristián Benítez Saavedra fue detenido por carabineros el 7 de abril de 1994 en Santiago y trasladado a la cuarta comisaría, donde habría sido interrogado, obligado a hacer flexiones, golpeado con puños y pies en el estómago y riñones y sometido a intentos de asfixia mediante el método del "submarino seco" durante aproximadamente una hora; finalmente fue puesto en libertad sin cargos, concurriendo a continuación a un centro asistencial en donde se constataron lesiones. El Gobierno informó que en el proceso investigativo interno se estableció que el reclamo carecía de fundamentos comprobatorios. La causa fue sobreseída temporalmente.

88. Víctor Ulloa Varas fue detenido en Santiago el 27 de abril de 1994 por detectives de la comisaría de Puente Alto; durante varias horas habría sido sometido a torturas tales como golpes violentos y aplicación de corriente eléctrica, para ser finalmente dejado en libertad sin cargos. El Gobierno informó que, según la policía de investigaciones, las lesiones que presentaba Ulloa Varas no son responsabilidad de esta institución. Se establecieron faltas administrativas menores en el procedimiento policial, las que fueron sancionadas. La causa penal se encuentra en estado de sumario.

89. René Salfate Osorio fue detenido en Santiago el 10 de mayo de 1994 por carabineros de la tercera comisaría, donde habría sido sometido a golpes, intentos de asfixia y aplicación de corriente eléctrica. El Gobierno informó que carabineros desestimó el reclamo por no existir antecedentes valederos que ratificaran la denuncia. La causa penal fue sobreseída temporalmente.

90. Margarita Boussiere González, 70 años, fue detenida el 8 de junio de 1994 por carabineros que efectuaban un operativo contra los comerciantes ambulantes en el centro de Santiago. Fue conducida a un bus policial en donde fue obligada a permanecer acostada en el pasillo y se le habrían propinado numerosos golpes. Una vez en libertad acudió a un centro hospitalario en donde se le diagnosticaron contusiones dorsales y múltiples contusiones en el brazo izquierdo. El Gobierno informó que no se presentó reclamo contra personal de carabineros por lo que no se realizó ninguna investigación. La causa penal está radicada en la segunda fiscalía militar, encontrándose en estado de sumario.

91. Luis Reyes Zúñiga fue detenido por carabineros en Santiago el 12 de junio de 1994; a consecuencia de los golpes a que habría sido sometido sufrió un esguince en la muñeca izquierda. El Gobierno informó que carabineros realizó una investigación, concluyéndose en desestimar el reclamo por carecer de fundamentos.

92. Juan Lira Arancibia fue detenido el 11 de septiembre de 1994 en la población La Victoria de la comuna Pedro Aguirre Cerda por carabineros. Mientras era trasladado, así como una vez en la tenencia de La Victoria, habría sido sometido a numerosos golpes, incluido en los oídos con las palmas extendidas utilizando la fórmula conocida como "el teléfono". También sufrió una quemadura con un cigarrillo en el pecho. A consecuencia de los golpes hubo de ser intervenido quirúrgicamente por fractura nasal. El Gobierno informó que la investigación realizada por carabineros no determinó que el personal policial haya cometido algún exceso. La causa penal fue remitida a la Corte Marcial en consulta por sobreseimiento.

93. Jaime Humberto Jorquera Arellano fue detenido en Santiago el 4 de noviembre de 1994 por miembros de la policía de investigaciones que lo trasladaron a un lugar que no pudo identificar, donde fue interrogado y, con la vista vendada, le habrían golpeado con pies, puños y un objeto contundente por espacio de unas cuatro horas. Posteriormente, y durante unos treinta minutos, le habría sido aplicada corriente eléctrica. Ese mismo día fue de nuevo introducido en un vehículo policial y abandonado en una población periférica previa amenaza de muerte si denunciaba los hechos. En un centro de urgencia le diagnosticaron quemaduras de gravedad, las cuales fueron igualmente constatadas por el servicio médico 1 egal. El Gobierno informó que la investigación realizada por la policía de investigaciones concluyó que no hubo participación de esta institución, apareciendo como responsable un cabo de carabineros. El proceso fue sobreseído temporalmente por falta de méritos.

94. Roberto Catalán Valenzuela fue detenido el 30 de octubre de 1994 en Santiago, junto con otros cuatro miembros de su familia, por carabineros. Trasladados a la 43a. estación de policía en Peñalolen habrían sido golpeados con patadas y bastones por espacio de 15 minutos. Roberto Catalán habría sido golpeado principalmente en los testículos, sufriendo heridas de consideración. El Gobierno informó que el servicio medicolegal constató la existencia de lesiones graves. La causa se encuentra en estado de sumario.

95. Jorge Patricio de la Cruz Ortiz fue detenido en Santiago el 7 de septiembre de 1994 por miembros de la policía de investigaciones. Trasladado a la tercera comisaría investigadora de asaltos habría sido golpeado violentamente mientras permanecía atado a una silla. En tres ocasiones se le habría introducido amoniaco por la nariz. Fue puesto en libertad ese mismo día después de firmar una declaración que no pudo leer. El Gobierno informó que el examen médico había constatado la existencia de lesiones.
La investigación realizada por la policía de investigaciones no estableció responsabilidad de miembros de la institución.

96. El 13 de noviembre de 1995, el Relator Especial transmitió al Gobierno nuevos casos de tortura que habrían ocurrido en el país. Debido a la fecha tardía en que estos casos fueron transmitidos el Gobierno no ha contado con tiempo suficiente para preparar una respuesta. Estos casos se referían a las personas mencionadas en el párrafo siguiente.

97. Tania María Cordeiro Vaz y su hija de 13 años, Patricia Vaz Peres Amorim, detenidas el 16 de marzo de 1993 en la ciudad de Rancagua por efectivos de la brigada investigadora de asaltos de la policía de investigaciones; José Uribe Díaz, detenido por efectivos de la policía de investigaciones de Puerto Montt el 21 de agosto de 1993; Misael Esteban Apablaza Basoalto, detenido en Talca por carabineros, el 14 de marzo de 1994; Pedro Gastón Sánchez Salazar, detenido el 3 de abril de 1994 en la población Huamachuco, comuna de Renca, por funcionarios de carabineros; Juan Contreras Acevedo, detenido el 30 de abril de 1994 junto con Carola Alejandra Vásquez Avila y Elisabeth Solange Avila Plaza por carabineros de la tenencia La Victoria, Santiago; Mario Alberto Morales Novoa, severamente golpeado por un cabo cuando efectuaba su servicio militar obligatorio en el regimiento de aviación del ejército N° 1 de Rancagua; Alex Calderón Venegas, detenido el 13 de agosto de 1994 en Santiago por carabineros; Víctor Manuel Lira Moreira, detenido el 5 de noviembre de 1994 en el sector playa Grande de Cartagena por carabineros; Cecilia María Silva Godoy, golpeada en la comisaría de carabineros Las Quilas de Temuco el 6 de noviembre de 1994; Eduardo Andrés Pineda Mulato, detenido el 15 de noviembre de 1994 en Santiago por carabineros; Pablo Seguel Ramírez, severamente golpeado el 6 de enero de 1995 por carabineros en las proximidades de playa El Quisco; Jorge Bustamante Inostroza, detenido por carabineros el 13 de febrero de 1995 en Santiago; Miguel Angel Vallejos Palma, detenido el 25 de febrero de 1995 en Panimávida, comuna de Colbún, séptima región por carabineros; Hernán Alfonso San Martín Jerez y Alex Alarcón, detenidos por carabineros el 4 de marzo de 1995 en la comuna de Renca; Hugo Francisco Carvajal Díaz, detenido el 17 de abril de 1995 en La Pintana, población Estrecho de Magallanes, Santiago, por funcionarios de la policía de investigaciones; Hugo Ibáñez Navarrete, detenido el 22 de mayo de 1995 por carabineros en la plaza de Longaví; Juan Luis Navea Espinoza, detenido el 7 de mayo de 1995 por carabineros de la comisaría El Castillo; Oscar Reinaldo Betanzo Maturana, Renato Merino, Osvaldo Merino y Jaime Manríquez, detenidos el 19 de mayo de 1995 en Santiago por carabineros; Fernando Avelino Rojas Serrano, detenido el 3 de junio de 1995 por carabineros de la cuarta comisaría de Santiago; Rubén Bascur Jaeger.

Seguimiento de casos transmitidos en años anteriores

98. El Relator Especial transmitió de nuevo al Gobierno los siguientes casos actualizados con información recibida de los denunciantes.

99. Ana María Sepúlveda Sanhueza, detenida el 6 de marzo de 1992 y conducida al cuartel central de investigaciones. Según la respuesta proporcionada por el Gobierno en 1994, al prestar declaración ante el tribunal que conocía de la causa que se le imputaba, no denunció haber sido sometida a apremios ilegítimos; además, en el certificado extendido por el servicio medicolegal consta que no hay signos de lesiones externamente visibles. Ahora bien, el Relator Especial recibió copia de la querella interpuesta con fecha 13 de marzo de 1992 ante el tercer juzgado del crimen de Santiago (rol 161.231)

según la cual la Sra. Sepúlveda habría sido sometida a corriente eléctrica mientras era interrogada en el cuartel central de investigaciones. El 9 de agosto de 1995 el Gobierno informó que la querella por aplicación de tormentos fue sobreseída temporalmente en junio de 1993. La investigación interna realizada por la policía de investigaciones concluyó que no afectaban a miembros de la misma responsabilidad por los hechos denunciados.

100. Cristian Cárdenas Jofre, detenido el 9 de marzo de 1992 y conducido al cuartel central de investigaciones. El Gobierno informó en 1994 que no se había logrado ubicar la interposición de querella judicial. Ahora bien, el Relator Especial recibió copia de la querella interpuesta con fecha 20 de marzo de 1992 ante el tercer juzgado del crimen de Santiago. Según lo que consta en ella, después de ser detenido el 9 de marzo de 1992, el Sr. Cárdenas habría sido conducido al cuartel central de investigaciones, donde habría sido severamente golpeado, y se le habría aplicado electricidad en diversas partes del cuerpo. El 9 de agosto de 1995 el Gobierno informó que la causa penal fue sobreseída.

101. Mirentchu Vivanco Figueroa, detenida el 29 de marzo de 1992 en Villa Franca. El Gobierno informó que no se había logrado ubicar la interposición de querella judicial. Ahora bien, el Relator Especial recibió copia de la querella presentada con fecha 10 de abril de 1992 ante el 15° juzgado del crimen de Santiago. En ella consta que la Sra. Vivanco fue detenida el 29 de marzo de 1992 y llevada en un primer momento a la 21a. comisaría y después a la 38a. comisaría. En ambos lugares habría sido objeto de apremios. En la 21a. comisaría se le habría cubierto la cabeza, propinado fuertes golpes, habría habido un intento de asfixia controlada y se la habría mantenido en posiciones forzadas y antinaturales, encerrándola en una especie de armario. El Gobierno informó que carabineros no recibió reclamos directos por este caso.

China

Information transmitted to the Government

102. By letter dated 14 July 1995 the Special Rapporteur advised the Government that he had continued to receive information indicating that the use of torture and ill-treatment against persons held in police stations, detention centres, prisons and labour camps was occurring with frequency. According to the reports, many persons detained for political reasons were convicted of offences partly or wholly on the basis of "confessions" that had been obtained through the application of torture during interrogation.

103. The Special Rapporteur indicated that he had received particular allegations in regard to the conditions at Guangzhou No. 1 Re-education through Labour Centre, Hua county, Guangdong province. The administration of beatings and other forms of ill-treatment for small infractions at the camp was said to be common. Production quotas were reportedly set at levels which in effect required prisoners, including the sick or disabled, to work for approximately 14 hours per day, seven days per week, performing such tasks as carrying and loading heavy stones onto boats. Food provisions were reported to be inadequate and ill prisoners were said to be provided little or no

medical treatment. Inmates considered to work at a slow pace were allegedly beaten, sometimes to the point of unconsciousness. One prisoner, Chen Pokong, allegedly had his hands and feet squashed with stones by guards at the camp.

104. The Special Rapporteur also transmitted information according to which the torture and ill-treatment of persons arrested for political reasons in Tibet was particularly pervasive. The methods of such torture reportedly include beatings, electric shocks, deprivation of food and drink, exposure to cold, handcuffing or shackling for long periods, and denial of medical treatment. In this regard, the Special Rapporteur communicated information on the cases summarized in the following paragraphs and reminded the Government of a number of cases in Tibet transmitted in 1994 regarding which no reply had been received.

105. Gyaltsen Kelsang, a nun, was reportedly beaten following her arrest from Garu nunnery on 14 June 1993. While serving a two-year term at Drapchi prison in Lhasa for participation in a pro-independence demonstration, she was allegedly beaten severely and as a result was confined to bed for 20 days. Soon after being diagnosed at a police hospital in November 1994 as suffering from severe kidney problems, she lost movement in her lower limbs and developed speech impairment. She was eventually sent home on medical parole and later spent nine weeks at the Tibetan medical hospital. She died on 20 February 1995, seven days after her release from hospital.

106. Lodroe Gyatso, a professional dancer serving a sentence of 15 years in Drapchi prison, was allegedly beaten severely on 4 March 1995, after he had distributed pro-independence literature and shouted slogans in the prison. He continued to receive daily beatings in a confinement cell measuring six feet by six feet. The Middle People's Court reportedly recommended to the Higher People's Court that he be executed for his political actions in the prison.

107. Khetsul and Yeshi Pema, from Lhundrup county, and Ngawang Drozler and Gyaltsen Wangmo, from Lhokha, were among five nuns who were reportedly arrested on 8 February 1995 after engaging in a protest outside the Jokhang temple. They were allegedly beaten severely during their arrest.

108. Pasang and Ngodrup, both monks from Jokhang, were reportedly arrested on 8 January 1995 and severely beaten over the course of three days in Gutsa Detention Centre in Lhasa. Pasang suffered severe back pain and was unable to stand as a result of his treatment. The monks were allegedly threatened with further punishment if they revealed information about the treatment that they had received.

109. Lobsang Palden, Chimé Dorje, Pema Tsering, Jampa Tashi, and Lobsang Tsegyal, monks from the Serwa monastery, reportedly removed two nameplates and affixed pro-independence posters to the headquarters of the Lingkha district people's government, Pashö county, and later shouted slogans and affixed posters to the walls of other government and military offices on 29 March 1994. They were arrested, after which they were allegedly kept suspended by their thumbs at the gate of the county public security bureau and beaten severely during interrogation. They were subsequently sentenced to terms of imprisonment.

110. The Special Rapporteur also transmitted to the Government information he had received indicating that juveniles detained for political reasons in Gutsa Detention Centre are held together with adult prisoners, rather than in the juvenile section of the facility. In Drapchi prison, adults and juveniles were reportedly kept together because separate juvenile sections did not exist. Juveniles were allegedly forced to do hard labour and to work in unsanitary conditions with adults in prisons, detention centres, reform through labour detachments or re-education through labour detachments.

111. The Special Rapporteur communicated the cases of beatings of juveniles in Tibet described in the following paragraphs.

112. Champa Tsondrue and Lobsang Choezin, both 17-year-old novice monks at Ganden Choekhor monastery in Penpo Lhundrup county, were reportedly arrested on 20 June 1994 after participating in a peaceful demonstration at the Barkhor in Lhasa. They were allegedly beaten severely by security officials and taken to Gutsa Detention Centre.

113. Tenzin Dekyong, a 16-year-old novice from Michungri nunnery, was reportedly arrested on 13 March 1993 during a peaceful demonstration. She was allegedly beaten and taken to Gutsa Detention Centre.

114. Pema Oeser, a 16-year-old novice form Nagar nunnery in Lhundrup county, was reportedly beaten after being arrested with three other nuns on 17 August 1993 during a demonstration in Lhasa.

115. Dhundup Gyalpo, a 17-year-old monk, was reportedly arrested on 26 June 1993 outside Gyaldon monastery, Lhundrup county, during a protest against the arrest of a boy accused of posting pro-independence materials. Dhundup Gyalpo was allegedly beaten by police and threw stones at them in response. He was said currently to be serving a three-year administrative sentence.

116. Sherab Ngawang, a 12-year-old novice from Michungri nunnery, was reportedly arrested on 3 February 1992 during a peaceful demonstration in Lhasa. She was taken to Gutsa Detention Centre and allegedly beaten. She was sentenced in May 1992 to three years' "re-education through labour" and sent to Trisam Re-education through Labour Detachment.

117. In a letter transmitted on 4 October 1995, the Special Rapporteur advised the Government that he had received additional information with respect to Sherab Ngawang, according to which she had received treatment in more than one hospital in Lhasa following the completion of her three-year sentence in February 1995. The treatment was administered for injuries to her kidneys and lungs sustained as the result of torture by four guards, who had allegedly beaten her with electric batons and a plastic tube filled with sand, stamped upon her and kicked her. The guards were said to have inflicted this treatment in reprisal for her having made a face at them when they closed her cell door one evening. She died on 15 May 1995 in Maldrogungkar, allegedly as a result of injuries sustained from the beating. A Tibetan undertaker who dismembered her body in accordance with traditional funeral rites reportedly indicated that her kidneys bore signs of acute damage and marks of injury appeared on her lungs.

118. In the 4 October letter, the Special Rapporteur also transmitted the cases summarized in the following paragraphs.

119. Rigzin Tsultrim, reportedly arrested in May 1993 during a demonstration near the Barkhor in Lhasa, was allegedly kicked, beaten and subjected to shocks to his face with an electric baton. At the police station his thumbs were cuffed diagonally behind his back and he was forced to sit on his knees for eight hours, causing him to fall over frequently. When he fell, police officers allegedly beat him on the ribs, stomach and thighs. On one occasion he was reportedly kicked in the jaw and as a result lost two molars. Later he was taken to the police station courtyard, where officers allegedly applied electric shocks to his chest, back, hands and palms, causing him to pass out, whereafter he was revived with water and again beaten. He was then placed into a cell with handcuffs and leg cuffs for three days and nights without food or water. During further interrogation he was kicked in the shins and punched in the stomach. He was eventually released from custody.

120. Sonam Tashi was reportedly arrested on 26 May 1993, after having participated in a demonstration at the Barkhor the previous day. Over the course of a number of interrogation sessions, he was allegedly beaten severely and as a result sustained multiple internal injuries. He was released from prison in late 1994, but died in early 1995, allegedly from the injuries he had sustained during interrogation.

121. Tamdin Tsering was allegedly beaten to death on 7 September 1994 by four forestry officials while he and his family were tending their potato farm in Linyen county of Laodu district in Amdo province.

122. Jigme Gyatso, a monk from Tsayu township in Xiahe, was reportedly detained on 19 May 1995 by the Xiahe county police on suspicion of involvement in putting up pro-independence posters at Labrang monastery in Amdo. He was allegedly beaten severely, as a result of which he has become partially paralysed, unable to move his arms and legs. Doctors at the Xiahe county hospital were said to have refused to treat him because of his political record. He was later admitted to the traditional Tibetan medical hospital for treatment.

Urgent appeals sent and replies received

123. On 27 January 1995 the Special Rapporteur sent an urgent appeal on behalf of Tong Yi, who was serving a sentence at the Hewan Labour Camp in Wuhan, Hubei province. She had allegedly been beaten on the face and body repeatedly on 16 January 1995 by two inmates or "trustees" who had been designated by the camp authorities to supervise other detainees. The beatings were reportedly inflicted after she had complained to labour camp authorities about her long hours of work, reportedly well in excess of the maximum of eight hours per day mandated by prison regulations. One day after she complained to camp officials about the beatings, more than 10 prisoners allegedly subjected her to another series of beatings, as a result of which her face and body were swollen and covered with bruises. Her parents were reportedly denied permission to see her and fears were expressed that she might be subjected to further ill-treatment.

124. On 25 February 1995 the Government replied that Tong Yi had not been beaten by other inmates or wardens, but rather a work-related quarrel had broken out between her and other members of her work team, which led to pushing and shoving. The incident ended when wardens appeared. Re-educatees at the camp worked only eight hours and the work was not strenuous.

125. In the above-mentioned letter of 14 July 1995, the Special Rapporteur apprised the Government of new information that he had received with respect to Tong Yi. The source of the information had reconfirmed the allegations with respect to her case and indicated they had also been confirmed by Tong Yi's relatives. A relative who visited her in prison observed bruising and other scarring on her face.

Replies received with respect to information contained in previous reports

126. On 28 November 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Zhang Lin, a political activist detained at the Nanhu labour camp, who had allegedly been subjected to torture because he was unable to perform work for medical reasons. On 19 April 1995 the Government replied that Zhang Lin had spent six days at the local hospital in Nanhu and was diagnosed as suffering "mild neuralgia". He was prescribed abundant activity to improve his blood circulation and was accordingly assigned appropriate activities, such as work in the vegetable garden. After refusing to report for work, he was taken to Xuancheng district No. 2 hospital and the doctors diagnosed "mild inflammation of the peripheral nerves" and recommended activity and strengthening exercises and prescribed medication. Zhang had admitted that his allegations of mistreatment by wardens were designed to put pressure on the Government to release him. No incident such as that involving his alleged beating with electric prods had occurred.

127. On 30 November 1995 the Special Rapporteur sent an urgent appeal on behalf of journalist Gao Yu, who was allegedly being denied medication for heart disease in detention in Beijing. On 19 April 1995 the Government replied that, after entering Yanqing prison in Beijing to serve a sentence for disclosing State secrets, Gao Yu claimed to suffer from coronary heart disease, but a check-up at the prison found no such symptoms. She was found to have high blood pressure, but medication had been provided and she was now in normal health.

Colombia

Información transmitida al Gobierno y respuestas recibidas al respecto

128. Por carta de fecha 29 de mayo de 1995, el Relator Especial comunicó al Gobierno que había recibido información sobre casos de tortura que habrían ocurrido en el país. El Gobierno respondió a los mismos con fecha 12 de septiembre de 1995. Detalles de estos casos figuran en los párrafos siguientes.

129. Maritza Peláez Gélvez habría sido violada el 23 de enero de 1993 por varios soldados que irrumpieron en su domicilio situado en la inspección departamental de Aguachica, municipio de Arauquita, Arauca. El Gobierno

informó que se instauró denuncia penal en la Fiscalía 25 de Arauca; los presuntos inculpados, soldados voluntarios, fueron desvinculados de la institución.

130. Alfonso Martín Voets fue detenido el 23 de febrero de 1993 en Bogotá por una patrulla militar que lo trasladó al puesto de guardia del batallón de policía militar de la calle 100 con autopista donde habría sido golpeado, se le habría mantenido con las esposas sumamente apretadas durante varias horas y habría sido amenazado de muerte.

131. Juan de Jesús Quiroga fue detenido el 6 de marzo de 1993 en la vereda La Primavera del municipio de Arauquita, Arauca, por efectivos del batallón Revéiz Pizarro. A consecuencia de los golpes a que habría sido sometido habría resultado con varias fracturas. Fue puesto en libertad después de ser amenazado de muerte si llegaba a presentar denuncia por los hechos ocurridos. El Gobierno informó que no se encontró investigación relacionada con los hechos.

132. Teófilo Niño Ramírez fue detenido el 2 de marzo de 1993 entre los municipios de Duitama y Charalá, departamento de Boyacá, por efectivos del ejército y del DAS quienes le habrían golpeado, puesto una pistola en la boca y colocado una bolsa de plástico en la cabeza para tratar de de asfixiarlo. Al cabo de un rato le dispararon, dejándolo por muerto. La Procuraduría delegada para los derechos humanos dictó pliego de cargos contra varios miembros del ejército.

133. Rubén Darío López Bustamante fue detenido el 14 de marzo de 1993 en el municipio de Zaragoza, Antioquia, por efectivos del batallón Colombia, quienes le habrían golpeado y sometido a inmersiones. El Gobierno informó que esta persona era el cabecilla de la 37 cuadrilla de las fuerzas armadas revolucionarias de Colombia (FARC) y que no fue objeto de maltratos por parte de miembros de las fuerzas militares.

134. Gilberto Maldonado Escalante fue detenido el 27 de abril de 1993 en Cúcuta por miembros del B-2 adscritos al Grupo Mecanizado N° 5 Maza que lo habrían amarrado, rociado con gasolina y amenazado con ser quemado vivo si no proporcionaba información sobre la guerrilla. El Gobierno informó que en la fiscalía de Cúcuta no cura ningún proceso por tortura en relación con esta persona.

135. Orlando Noguera y Jairo Cervantes, sindicados de pertenecer a las milicias bolivarianas, fueron detenidos el 3 de mayo de 1993 por miembros del batallón Nueva Granada en Barrancabermeja. Trasladados al batallón, habrían sido amarrados con alambre de púas, golpeados y sometidos a vejámenes sexuales y a intentos de asfixia. El Gobierno informó que tanto la fiscalía como la procuraduría adelantan investigaciones preliminares.

136. Jesús Antonio Jiménez, John Fredy Aguilar y Julio César Grisález formaban parte de un grupo de cinco personas que fueron violentamente sacadas de su domicilio en el barrio El Triunfo de Medellín el 20 de junio de 1993 por miembros de la policía nacional. Trasladados a la estación del Pedregal, habrían sido golpeados, les habrían cubierto el rostro con bolsas plásticas y les habrían sumergido en un tanque de agua; además habrían sido amenazados con

quemarles el rostro con ácido sulfúrico. Al día siguiente fueron dejados en libertad. El Gobierno informó que la fiscalía no tiene abierta una investigación sobre el caso.

137. Josefina Chamorro Ríos habría sido violada el 10 de junio de 1993 en su domicilio de Panamá de Arauca, municipio de Arauquita, por soldados del batallón Revéiz Pizarro. El Gobierno informó que la investigación fue suspendida por vencimiento de términos sin individualización de las responsables.

138. Jaime Valencia Cruz fue detenido el 25 de junio de 1993 en el municipio Buenos Aires, Cauca, por miembros del ejército nacional que lo habrían golpeado, colgado de un árbol e introducido agujas por debajo de las uñas de las manos. El Gobierno informó que ni la Fiscalía General de la nación ni la justicia penal militar han tenido conocimiento del caso.

139. Cristóbal Ospina fue detenido el 16 de julio de 1993 en Puerto Wilches, Santander, por miembros de la policía nacional que posteriormente lo entregaron a efectivos del batallón Nueva Granada. En la sede de éste habría sido golpeado y sumergido en una pileta de agua en la que intentarían ahogarlo. El Gobierno informó que en 1993 se abrió una investigación sobre el caso.

140. Miguel Enrique Fernández, Henry Vásquez Arteaga, Oscar Hernán Jiménez San Miguel y Gerardo Silva Martínez fueron detenidos el 21 de julio de 1993 en Barrancabermeja, Santander, por efectivos del ejército; trasladados al batallón Nueva Granada, habrían sido golpeados, asfixiados con toallas mojadas y se les habría aplicado corriente eléctrica. El Gobierno informó que la fiscalía remitió la actuación a la jurisdicción militar.

141. Gilberto Jurado Alvarán fue detenido el 3 de agosto de 1993 en Fortul, Arauca, por miembros del ejército. Inicialmente habría sido amarrado a una piedra en donde permanecería durante varias horas; luego habría sido colgado y en esta posición habría sido golpeado. Además se le habría impedido tomar medicamentos para una afección neurosiquiátrica, lo que le habría provocado una crisis grave. El Gobierno informó que la justicia penal militar adelantó el correspondiente proceso, decretando la cesación del procedimiento; la actuación se encuentra actualmente en el Tribunal Superior Militar para consulta.

142. Alba Libia Esquivel y José Albeiro Ortiz fueron detenidos el 5 de octubre de 1993 en Cajamarca, Tolima, por efectivos militares pertenecientes al batallón Jaime Rock, de la VI brigada, quienes les habrían colocado una bolsa plástica en la cabeza y toallas mojadas en la boca hasta casi asfixiarlos, a la vez que eran golpeados con los fusiles. El Gobierno informó que la justicia penal militar no recibió ninguna queja al respecto.

143. Rosalba Segura habría sido violada el 14 de octubre de 1993 en su domicilio de la inspección departamental de La Esmeralda, jurisdicción del municipio de Arauquita, Arauca, por un grupo de soldados miembros al parecer del batallón Revéiz Pizarro que habrían irrumpido en la casa violentamente. El Gobierno informó que la investigación sobre el caso está siendo efectuada por el juzgado 24 de instrucción penal militar.

144. Cristín Pardo Benítez fue detenido el 21 de noviembre de 1993 en el Corregimiento de la Gabarra, municipio de Tibú, norte de Santander, por miembros de la brigada móvil N° 2 del ejército que lo habrían golpeado, sumergido en un tanque con agua y le echaron agua con sal en los ojos; fue llevado con rumbo desconocido ignorándose desde entonces su paradero. El Gobierno informó que la Procuraduría delegada para los derechos humanos adelanta investigación por la desaparición.

145. Jairo Calderón Rueda, presidente de la subdirectiva de la Unión Sindical Obrera en Bucaramanga, habría sido brutalmente golpeado el 2 de enero de 1994 por agentes de la policía. Como consecuencia se le habría causado la fractura de una costilla y fisuras en dos más, además de una lesión en el hígado y hematomas en las piernas y la cara.

146. Antonio González fue detenido el 4 de enero de 1994 por tropas del batallón Nueva Granada, en un operativo realizado en el barrio Antonio Nariño de Barrancabermeja. De allí fue llevado a una base móvil donde habría sido sometido a torturas tales como introducirlo en un estanque de agua sucia y golpearlo. Posteriormente fue trasladado a la sede del batallón donde habría sido de nuevo brutalmente golpeado y acusado de ser auxiliador de la guerrilla. Finalmente, habría sido puesto en libertad sin cargos. El Gobierno informó que la Procuraduría general de la nación formuló pliego de cargos contra un teniente del ejército.

147. Orlando Rafael Pujía Giraldo, soldado de 19 años adscrito al batallón de infantería Cartagena, con sede en Riohacha (La Guajira), habría sido sometido a golpizas en enero de 1994. Además le habrían inyectado una substancia que no pudo identificar. Desde entonces presenta problemas mentales. El Gobierno informó que la investigación efectuada no arrojó responsabilidad penal por parte de miembros del ejército y que el arriba mencionado fue desacuartelado por farmacodependiente.

148. Emiro Cogollo habría sido detenido en Barrancabermeja el 25 de enero de 1994, por miembros del ejército que lo trasladaron a la base militar de Pozo Siete, donde habría sido golpeado y le habrían echado ácido por la nariz y aguasal en las heridas.

149. Wilson Plata Santamaría y José Plata Santamaría fueron detenidos el 6 de marzo de 1994 en la vereda La Putana Alta, municipio de Betulia, entre Bucaramanga y Barrancabermeja, por fuerzas combinadas del ejército y el grupo UNASE de la policía, quienes les habrían colgado y golpeado repetidamente. El Gobierno informó que estos hechos no fueron denunciados a la fiscalía.

150. Nelson David Mora Angarita fue detenido el 5 de abril de 1994 cuando el vehículo en que viajaba llegó a un retén que una patrulla del batallón Reveiz Pizarro adscrito a la XVI brigada había instalado en la vía que conduce de los municipios de Fortul a Saravena. Junto con otros pasajeros el Sr. Mora fue obligado a descender del vehículo y severamente golpeado por espacio de una hora al tiempo que se le amenazaba de muerte. El Gobierno informó que la Procuraduría delegada para los derechos humanos ordenó el archivo provisional de la investigación.

151. Olga Marina Restrepo Díaz fue detenida el 16 de junio de 1994 en Bogotá por miembros de la SIJIN. Introducida en un vehículo trooper, le habrían puesto una bolsa de plástico en la cabeza e introducido un revolver en la boca mientras era interrogada sobre el robo de unos cuadros.

152. Alvaro Martínez Ramírez fue detenido por agentes de la SIJIN (Inteligencia Militar) cuando se encontraba en el restaurante de su propiedad en Bogotá el 28 de julio de 1994. En el momento de la detención habría sido severamente golpeado, lo que le habría producido varias heridas especialmente en la cabeza.

153. Alexander Peñuela Sanabria fue detenido en Barranquilla el 18 de septiembre de 1994 por miembros de la SIJIN. Trasladado a la estación de policía cuarta del Bosque, habría sido severamente golpeado y se le habría introducido la cabeza primero en una alberca y a continuación en una bolsa plástica con el fin de que confesara su participación en un homicidio.

154. Hugo Miguel Serrano Logreira, fue detenido el 5 de octubre de 1994 en Barranquilla por agentes del DAS, quienes le habrían golpeado repetidamente y sometido a intentos de asfixia poniéndole una bolsa de plástico en la cabeza. El Gobierno informó que la fiscalía está efectuando una investigación.

155. José Edgar Acosta fue detenido el 30 de diciembre de 1994 en Ocaña, norte de Santander, por miembros de la policía que lo habrían golpeado, quemado con cigarrillos y amenazado de muerte. En estos hechos habrían también participado seis individuos que se habrían identificado como miembros del grupo paramilitar "Los Tunebos". El Gobierno informó que la Procuraduría delegada para los derechos humanos está efectuando la correspondiente investigación.

156. En la misma carta de 29 de mayo de 1995, el Relator Especial volvió a transmitir al Gobierno resúmenes de 50 casos transmitidos en años anteriores y sobre los cuales aun no se había recibido una respuesta. El Gobierno dio sin embargo detalles sobre los mismos en la mencionada comunicación de 12 de septiembre de 1995.

157. Además de las respuestas a los casos específicos, el Gobierno transmitió al Relator Especial información relativa al marco jurídico consagrado en la legislación nacional para la prevención y protección contra la tortura. Ello incluye las disposiciones de la Constitución y el Código Penal que prohíben la tortura así como las disposiciones del Código de Procedimiento Penal relativas a la detención de personas, la acción de habeas corpus, la validez de la confesión del detenido y las reglas sobre la práctica del interrogatorio.

Llamamientos urgentes

158. Con fecha 20 de octubre de 1995, el Relator Especial transmitió conjuntamente con el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, un llamamiento urgente en favor de las poblaciones de Segovia y Remedios, departamento de Antioquia. Según la información recibida, actividades militares y guerrilleras se habrían incrementado en estas localidades, al tiempo que se habrían producido incidentes en forma de amenazas dirigidas a la población en general.

Côte d'Ivoire

Appels urgents

159. Le 8 novembre 1995, le Rapporteur spécial a adressé un appel urgent au gouvernement en faveur de Guillaume Soro Kibafori, secrétaire général de la Fédération estudiantine et scolaire (FESCI), et huit autres membres de la même organisation. Selon les informations reçues, ils auraient été arrêtés autour du 27 septembre 1995 par des membres de la Direction de la sécurité du territoire à Abidjan. Aucun contact avec les familles ou avocats n'aurait été autorisé.

Cuba

Información transmitida al Gobierno

160. Con fecha 10 de julio de 1995, el Relator Especial notificó al Gobierno que había recibido información según la cual Junior Flores Díaz, recluso de 17 años en la prisión habanera de Valle Grande, había fallecido el 12 de diciembre de 1993 después de que se le hubiera denegado asistencia médica. Según los informes, el Sr. Flores venía confrontando problemas de salud por una herida que tenía desde antes de ser encarcelado. Días antes de su fallecimiento habría sido golpeado por los guardias e incomunicado en un calabozo de castigo por causa de una disputa con otro preso. La noche en que se produjo el mismo habría llamado a los guardias repetidamente sin que nadie viniera en su ayuda.

161. El Relator Especial también transmitió al Gobierno informes relativos al trato que sufrorían los presos de la cárcel Combinado Sur de Matanzas y a las palizas de que serían a menudo objeto. Detalles sobre los casos siguientes, presuntamente ocurridos en 1994 y principios de 1995, fueron transmitidos: Aroldo Ofarril Amorós, Michel Jiménez Medina, Luis Santos Márquez, Alberto Guerra Mesa, Yanaidis Sánchez Querol, José Blanco Guerra, Luis Carreño Jiménez, Volodia Pupo Gil, Ramón Octavo Pérez, Pedro Armando de León Oña, Alfredo García Torriente, Vladimir Santana Hernández, Angel Luis Torres Santana, Pablo Roque Sardiñas, Antonio Hernández Tamayo, Aroldis Salas Gaínza, Lázaro Nemesio González, Raúl Pulido Peñalver,Arturo Suárez Ramos, Guillermo González González, Julio Pérez Benítez, Lázaro Cayo Contreras, Omar Vázquez González y Reinol Rico Llanes.

Llamamientos urgentes

162. El 13 de marzo de 1995, el Relator Especial transmitió un llamamiento urgente al Gobierno en favor de Jorge Luis Ortega Palacio, recluso en la cárcel de mayor rigor Cinco y Medio de Pinar del Río, quien habría sido objeto de malos tratos a consecuencia de los cuales presentaría una inflamación y fuertes dolores en la cadera y la columna; además estaría perdiendo vista en ambos ojos. A pesar de ello se le habría denegado tratamiento médico reiteradamente.

163. Otro llamamiento urgente fue transmitido, conjuntamente con los Relatores Especiales sobre ejecuciones extrajudiciales, sumarias o arbitrarias y sobre la situación de derechos humanos en Cuba, con fecha 10 de octubre de 1995; se

refería a Juvencio Padrón Dueñas, Félix Molina Valdés y Carlos Cruz Seguis, condenados a muerte por la Corte provincial de Ciego de Avila, así como Carlos Rodríguez Gorrín, condenado a 30 años de prisión. Según la información recibida, los cuatro inculpados habrían sido golpeados y forzados por la policía para que firmaran declaraciones confirmando los cargos en su contra, declaraciones que constituirían la prueba principal para su inculpación.

Denmark

Urgent appeals sent and replies received

164. The Special Rapporteur sent an urgent appeal on 5 May 1995 on behalf of Hassan Adel, who had been a member of the National Council of Resistance of Iran. According to the reports, Mr. Adel was refused political asylum by the Danish authorities and was being held in Sandholm detention camp, facing expulsion from Denmark. Fears were expressed that if deported to the Islamic Republic of Iran he might be arrested and subjected to torture.

165. On 18 July 1995 the Government replied that the Refugee Board, an independent body composed of representatives from the public authorities, lawyers and the non-governmental Danish Refugee Council, had on 10 March 1995 rejected Hassan Adel's asylum claim. The Refugee Board decided on 9 June not to reconsider his case. An application to the Ministry of the Interior for a residence permit for humanitarian reasons was rejected on 19 April 1995 and a request for resumption of his case was also declined on 24 May. His date of departure was moved to 1 July 1995 and he subsequently left the Refugee Centre where he was residing. It was assumed that he left Denmark without the assistance of the Danish authorities.

Replies received from the Government with respect to information transmitted previously

166. By letters dated 20 December 1994 and 13 February 1995 the Government notified the Special Rapporteur that, pursuant to a risk assessment study undertaken by the Medico-Legal Council, the Ministry of Justice would continue the suspension of the use of the "leg-lock" restraint. This method of restraint had been a subject of concern of the Special Rapporteur, as expressed in the letter transmitted to the Government on 5 August 1994.

Dominican Republic

Información recibida del Gobierno sobre casos incluidos en informes anteriores

167. El Gobierno envió al Relator Especial información relativa a los casos de Felipe de Jesús Medrano García, Juan Díaz Ulerio, Luis Lizardo Cabrera y Víctor Manuel Peñaló, que habían sido transmitidos en 1993 y 1994.

168. Respecto al caso de Felipe de Jesús Medrano García, el Gobierno informó que el tribunal de primera instancia de justicia policial declaró culpables de haberle propinado golpes a dos capitanes de la policía condenándoles a seis meses de prisión correccional en un caso y a un mes de suspensión en el ejercicio de funciones en el segundo. Posteriormente, la Corte de Apelación

de Justicia Policial redujo las condenas a 15 días de suspensión de funciones en el primer caso y el descargo de toda responsabilidad penal en el segundo.

169. Sobre el caso de Juan Díaz Ulerio, el Gobierno informó que la policía nacional había efectuado una investigación como consecuencia de la cual se había abierto un proceso penal contra el responsable de haber producido quemaduras al arriba mencionado.

170. Sobre las informaciones que señalan que Luis Lizardo Cabrera y Víctor Manuel Peñaló, junto con 24 presos de la penitenciaría nacional de la Victoria, fueron severamente golpeados por miembros de la policía nacional, el Gobierno informó que la Dirección General de Prisiones y la Cruz Roja Dominicana visitaron la prisión en agosto de 1993, sin que observaran signos de violencia ni golpizas en los reclusos que se encontraban en esos momentos en huelga de hambre. En sus conversaciones con los presos observaron que su interés era demostrar la irregularidad de su prisión, pero que en ningún momento manifestaron haber sido golpeados, maltratados ni torturados.

Ecuador

Información transmitida al Gobierno y respuestas recibidas al respecto

171. Con fecha 29 de mayo de 1995, el Relator Especial comunicó al Gobierno que había recibido información sobre los siguientes casos de ciudadanos peruanos que habrían sido torturados después de ser detenidos en Ecuador entre los meses de enero y febrero de 1995: José Adrian Navarro Ramos, detenido el 13 de febrero de 1995 en su domicilio de Quito por miembros de la policía ecuatoriana; Jorge Jirón Calle, detenido por miembros del ejército y la policía el 26 de enero de 1995 cuando se encontraba en el barrio Manchanguillo de Macara, en la frontera con Perú; Oscar Alfredo Reyes Herrera, detenido el 7 de febrero de 1995 cuando se encontraba en el puente internacional Aguas Verdes Huaquillas por miembros de la policía ecuatoriana; Pompeyo Hernández Castillo, detenido el 25 de febrero de 1995 en Machala por miembros del ejército ecuatoriano; Manuel Licerio Carbajal Mercado, detenido el 11 de febrero de 1995 en la ciudad de Machala por miembros de la marina del Ecuador; Carlos Augusto López Chorrez, detenido el 18 de febrero de 1995 en la localidad de Huaquillas por miembros del servicio de inteligencia del ejército ecuatoriano; Jaime Richard Quesquen Sanjínez, detenido el 17 de febrero de 1995 en la provincia de Machala por miembros del ejército que lo trasladaron a la brigada de Loro-Machala; César Augusto Castro Yovera, detenido el 13 de febrero de 1995 y trasladado a un destacamento militar ubicado a una distancia de aproximadamente hora y media de Huaquillas; Luis Alberto Izquierdo Rivaplasta, detenido el 18 de febrero de 1995 en el puente internacional por miembros de la policía del Ecuador que lo entregaron al ejército y lo condujeron a un cuartel militar de Machala; Panta Céspedes Camacho, detenido por miembros de la policía y el ejército ecuatoriano el 1° de febrero de 1995 en la provincia de Esmeraldas y trasladado a Quito; mientras permaneció en detención habría sido golpeado y se le habría aplicado corriente eléctrica; Luis Enrique Adanaque Camacho, detenido el 1° de febrero de 1995 en la provincia de Esmeraldas y trasladado al cuartel militar de esa ciudad; Alonso Saba Morales, detenido el 1° de febrero de 1995 en la provincia de Esmeraldas y trasladado al cuartel militar de esa ciudad primero y posteriormente a Quito; César Javier Ruiz Poleakoff, detenido por la policía el 17 de febrero

de 1995 en la localidad de Sacha siete, cantón del Napo; Edgar Dioses López, detenido el 22 de febrero de 1995 en Huaquillas por miembros de la policía; Reinaldo Raimundo Paiva Tangoy, detenido el 22 de febrero de 1995 por miembros de la policía y trasladado primeramente al cuartel del ejército de Arenillas; Marcos Chanduvi Romero, detenido el 22 de febrero de 1995 en Huaquillas por miembros de la policía; Oscar Miranda Miranda, detenido el 14 de febrero de 1995 en Huaquillas por miembros de la policía; Adriano Rueda Ortiz y Andrés Sánchez Ortiz, detenidos por una patrulla militar en la localidad de Carimanga el 27 de enero de 1995.

172. El Gobierno proporcionó respuestas respecto a los casos de Raimundo Paiva Tangoy, Marcos Chanduvi Romero y Oscar Miranda Miranda. El contenido de las mismas indica que aquéllos fueron detenidos por personal de inteligencia militar y no por la policía nacional de Huaquillas.

173. El Relator Especial también transmitió al Gobierno los casos de Oscar Soto, ecuatoriano, y John Kennedy García Petevi, colombiano, detenidos por miembros de la policía en el domicilio de este último en Quito, el 12 de abril de 1994, y presuntamente torturados en el Centro de detención provisional. Miembros de organizaciones de derechos humanos que los visitaron en prisión habrían constatado que Oscar Soto presentaba hematomas en una amplia zona del torso y solicitaron que fuera examinado por un doctor y que se le hiciera una radiografía. El informe del médico del centro de detención constató que su estado era satisfactorio pero no se le tomó ninguna radiografía. Posteriormente fue trasladado a otro centro de detención y un nuevo examen médico fue solicitado, el cual constató la existencia de una costilla fracturada.

174. Además, el Relator Especial volvió a transmitir el caso de Luis Olmedo Aguilar López, quien según la información recibida falleció después de haber sido detenido por la policía el 24 de febrero de 1993 en Pintag, cerca de Quito; el informe de autopsia indicaba que su cuerpo presentaba contusiones. Con fecha 9 de noviembre de 1993 el Gobierno respondió que esta persona había fallecido de causas naturales. Dada la contradicción existente entre la denuncia y la respuesta el Relator Especial solicitó se le informara si se efectuó una investigación, así como los detalles de la misma.

175. Con fecha 10 de julio de 1995, el Relator Especial transmitió los casos que se mencionan en los párrafos siguientes.

176. Vicente Muñoz Ruiz fue detenido el 22 de febrero de 1995 en su domicilio de la ciudad de Guayaquil por miembros de la policía que lo condujeron al cuartel Modelo. Una vez allí se le habrían atado las manos a la espalda e introducido la cabeza en agua. Al sacársela el Sr. Muñoz habría perdido la consciencia, siendo necesario practicar una reanimación a la que no respondió, habiendo fallecido inmediatamente. Un juez civil habría abierto una investigación ante la denucia interpuesta por la familia. El Gobierno informó que estaba en curso la investigación penal y disciplinaria contra cuatro miembros de la policía, los cuales se encontraban detenidos.

177. Memelio Culquicondor Vegas, de nacionalidad peruana, trabajador agrícola, fue detenido por efectivos militares el 5 de marzo de 1995 cuando se

encontraba trabajando en San Antonio de Taparuca, Cariamanga, en el sur del país. Trasladado al cuartel San José habría sido severamente golpeado mientras era sometido a interrogatorio. Unas horas más tarde fue trasladado primero al cuartel de Cariamanga, donde de nuevo habría sido golpeado, y posteriormente al destacamento de PV donde se le habría aplicado corriente eléctrica en las manos. Tres días más tarde fue entregado a la policía de Loja. El Gobierno informó que la detención de esta persona no se encontraba registrada en dependencias del ejército ni de la policía.

Llamamientos urgentes transmitidos y respuestas recibidas al respecto

178. El 1° de marzo de 1995, el Relator Especial envió un llamamiento urgente en favor de Angel Ulbio Vélez Torres, quien fue detenido el 7 de febrero de 1995 por miembros del ejército en el puesto militar de control de Palmales, en Arenillas, cerca de la frontera con Perú y se encontraba en situación de incomunicación. Con fecha 2 de marzo de 1995, el Gobierno informó que esta persona había sido puesta en libertad.

Información transmitida por el Gobierno con respecto a casos incluidos en informes anteriores

179. El 7 de junio de 1994, el Relator Especial transmitió al Gobierno el caso de Danilo Jara, presuntamente detenido y sometido a tortura el 31 de octubre de 1993 en Quito por tres policías. Con fecha 29 de agosto de 1995, el Gobierno informó que esta persona tiene un copioso historial delictivo y que no fue objeto de maltratos físicos ni vejámenes por parte de quienes lo detuvieron bajo sospecha de robo.

180. Carmen Bolaños Mora, Alejandro Aguinda, Demetrio Pianda Machoa, José Otilio Quinayas, Harold Heberth Paz Pallaguaje, Leonel Aguinda Urapari, Josue Bastidas Hernández. Estas personas, de nacionalidad colombiana, fueron detenidas en diciembre de 1993 por miembros del ejército y supuestamente sometidas a tortura. El Gobierno informó que se había solicitado información al respecto al comando conjunto de las fuerzas armadas.

181. Rodrigo Elicio Muñoz, Luis Artemio Muñoz Arcos, Segundo Hilarión Morales Bolaños y Jose Vicente Morales Rivera, de nacionalidad colombiana, fueron detenidos por la policía en Tulcán, Carchi, el 26 de agosto de 1993 y supuestamente sometidos a tortura. El Gobierno informó que un médico legista examinó a los detenidos en los calabozos del cuartel de policía Carchi N° 10, no constatando ninguna huella de maltratos físicos.

Egypt

Information transmitted to the Government and replies received

182. By letter dated 26 April 1995 the Special Rapporteur informed the Government that he had continued to receive reports indicating that the practice of torture of persons detained for political reasons was systematic. Such torture was said to occur at the headquarters of the Security Services Investigation (SSI) in Lazoghly Square and at SSI branch offices, as well as in the high security prison (al-'Aqrab (Scorpion) Prison) at Tora. Many civilian defendants tried in recent military court cases allegedly had been

coerced through torture to make incriminating statements. Although a Human Rights Unit was established in November 1993 within the Public Procurator's Office to investigate reports of torture, the Unit was said to have failed to make public any information on the conduct of any investigations that it had undertaken. Few complaints submitted to the Human Rights Unit by human rights organizations or lawyers had reportedly been investigated.

183. The Special Rapporteur transmitted a number of individual cases involving persons detained for political reasons, which are summarized in the following paragraphs. A letter of reply from the Government was received too late for inclusion in this report.

184. Ramadhan Mahmoud Ahmed, a lawyer, was reportedly arrested on 6 July 1994 by officers of the Abu Za'abal Industrial Prison, where he had gone to see a client. At the Abu Za'abal branch of the SSI, he was allegedly tortured by means of beatings, suspension and electric shocks applied to various parts of his body. He was released on 9 July 1994.

185. Three detainees arrested in November 1993 in connection with the attempted assassination of the Prime Minister, 'Atef Sidqi, were allegedly tortured by SSI officers. Sayyid Salah al-Sayyid Sulayman was punched repeatedly and suspended in contorted positions. Tariq 'Abd al-Nabi Hassan al-Fahal was beaten and subjected to electric shocks on various parts of his body, sustaining injuries to his nose and jaw. Tuhami Ahmed 'Abdallah Ahmed Shalabi was subjected to beatings and electric shocks to various parts of his body, including his genitals, and he sustained injuries around one eye and to his left leg and right arm. Forensic examinations were said to have revealed injuries consistent with torture on all three persons. Sayyid Alah al-Sayyid Sulayman and Tariq 'Abd al-Nabi Hassan al-Fahal were sentenced to death in Cairo by the Supreme Military Court on 17 March and executed on 3 May 1994.

186. Safwat Ahmed 'Abd al-Ghani, Ahmed 'Abdu Salim, Mahmoud Mohammad Ahmed Shu'aib, Hassan al-Gharbawi Shahhata, 'Adli 'Abd al-Latif and Mursi Mohammad Mursi were allegedly beaten repeatedly by high security prison officers in February 1994. They had gone on hunger strike for at least 15 days to protest their treatment and a ban on visits by family members and lawyers in effect since 20 December 1993.

187. The Special Rapporteur also notified the Government that he had received information according to which detainees at police stations throughout Egypt were frequently subjected to torture or ill-treatment. The methods of torture reported included beatings with leather straps, sticks and electric cables; suspension in various positions accompanied by heavy beatings; beatings with solid objects and application of electric shocks. During pre-trial detention many suspects are allegedly forced to sign police records without knowing their contents. The practice of such torture was said to be facilitated by the following factors: that the Code of Criminal Procedure does not guarantee an arrested person the right to seek legal assistance in the stages of identification and during investigations carried out by police station officers; that under the Emergency Law in effect since 1981 the Ministry of the Interior is granted full powers to carry out administrative arrests without judicial or prosecutorial interference; and that under recent legal amendments, police may detain a suspect for up to 11 days without charge or

judicial supervision before presenting the detainee before a court or allowing him or her to consult a lawyer.

188. The Special Rapporteur also transmitted the individual cases described in the following paragraphs.

189. Magdi Shazli Abdel Rahman, arrested in March 1993, during seven days' detention at al-Maaza police station in Cairo was allegedly suspended and beaten. He was arrested and beaten again by officers of the SSI and the Salam police station on 13 June while being held at El Salam police station. A medical report established the presence of bruises on his forearms and upper arms and abrasions around the nipple.

190. Khaled Sakr Ibrahim, summoned to Zagazig police station in early July 1993 on a charge of theft, was allegedly blindfolded, his legs and hands were placed in iron shackles, and he was subjected to sexual assault, lashings and electric shocks. A forensic report established the presence of injuries, including wounds and pus in the lower part of both legs and swelling and abscesses of the right leg and foot.

191. Mohamed Magdi Ibrahim, detained at the Giza Security Directorate on 3 September 1993, was reportedly beaten and struck against the wall by officers, one of whom allegedly inserted a finger into his anus. A medical report made at the request of the prosecution reportedly revealed abrasions and scratches on his back and a bruise on the right thigh.

192. Samy Lotfy Abul Naga was arrested on 11 September 1993. At Meet Ghamr police station he was allegedly stripped of his clothes, suspended from a door and subjected to electric shocks to sensitive parts of his body. His detention reportedly had been ordered as a consequence of a prior civil dispute in which he had been engaged with a police officer. A medical report revealed weak shoulder muscles due to an injury under the armpits. The officer responsible was reportedly disciplined administratively by having four days' wages deducted from his pay and receiving a transfer of duty.

193. Mohamed Mohamed Abdel Rahman was arrested in November 1993 and allegedly beaten at the second Zagazig police station by a captain and his assistant. The forensic report revealed abrasions on the thigh, right arm and back. The prosecution was said to have recommended referring the matter to the administrative authorities for disciplinary action against the captain, but the criminal case against him was discontinued.

194. Mohamed Ahmed Munir Shebl, detained on 1 April 1994 at the 10th Ramadan police station for failure to carry his identity card, was allegedly beaten severely and subsequently injured himself while trying to escape through a window. A medical report revealed abrasions and scratches on the right hand and a finger.

195. Mohamed Mubarak Mofieh and Gamal Mubarak Mofieh, detained on 9 April 1994 at the Investigations Unit at Qooss police station, were allegedly beaten by a sergeant and police informant, prompting Mohamed Mubarak Mofieh to confess to committing a crime. He later retracted the confession under prosecutorial examination. Gamal Mubarak Mofieh was allegedly beaten

with a stick and a lash, stripped of his clothes and suspended between two chairs with his hands and legs tied. His interrogators also allegedly applied electric shocks to his ears and to other sensitive parts of his body. A medical examination revealed swelling, abrasions, a fracture of the left forearm and bruises on the knees due to hitting and friction with solid objects.

196. Imam Mohamed Imam was reportedly beaten and stripped of his clothes in front of his family and neighbours at his home on 29 June 1994 by a squad from the Zawya El Hamra Investigations Unit, following a dispute he had with a policeman's family. At the police station he was allegedly beaten again under the supervision of an officer of the Unit. A medical report revealed fractures of his right foot and left leg and bruising to various parts of his body.

197. Ahmed Ismail Ahmed was reportedly summoned to the second Zagazig police station on 14 November 1993 and beaten severely for the purpose of forcing him to confess to a charge of theft. The prosecution investigations record revealed injuries to his right arm, left forearm, left hand, right shoulder and forehead.

198. Medhat Ali Zahra, who had been residing abroad, was reportedly taken to Matrouh deportation station on 28 August 1993 after informing the police that he had lost his identity documents. When he began to have an attack of epilepsy, he was allegedly beaten and slapped in the face. He was transferred to the Khalifa deportation station and allegedly beaten with a lash and handcuffs by an officer and police informants.

199. Abdel Latif Mohamed Basha was reportedly arrested on 2 October 1993 by an investigation force from First Mahala El Kobra police station. At the station he was allegedly beaten on the back and his arms were bent back, resulting in bruises and abrasions on his back.

200. Mohamed Farouk Ali Nafal and his father, arrested on 5 October 1993 at their home, were allegedly beaten with a stick on the chest and shoulders by a police captain and an assistant at the Mahala El Kobra police station. They were reportedly threatened with further torture if they reported the incident to the prosecution. Mohamed Farouk Ali Nafal retained scars on his neck and ear, nail scratches, abrasions on his chest and left shoulder and a large bruise on his right shoulder.

201. Azza Ismail Monzie, arrested at her home by a force from the Ein Shams police station, was taken to the Cairo Security Directorate, where an Investigations Section officer, who had been convicted previously in connection with an incident of torture and had been the subject of numerous subsequent complaints, allegedly pulled her veil and face cover, beat her several times, and subjected her to insults. She was also allegedly forced to put her fingerprint to papers, the contents of which she was ignorant.

202. The following 51 persons, including 16 women and 11 children, were reportedly arrested in the village of El-Zayeda, Osseem, Giza, on 5 December 1993, following the murder of 3 persons: Hadiya Mohamed al-Said Abd al-Dayem, Sharbat Othman al-Zeidi, Amal Ibrahim al-Hendawi, Hanem Abdel

Salam al-Saman, Amal Ahmed al-Zeidi, Nawal Mohamed Mabrouk al-Zeidi, Madia Abdullah al-Zeidi, Soad Ali al-Zeidi, Soad Mahrous al-Zeidi, Sekena Ali Makawi, Karima Emam Abdel Sayed Soleman, Amina Ali Hassan, Samira Abdel Megied Abu-Adma, Mariam Abdel-aleem al-Zeidi, Zeinab Abdel Hakeem al-Zeidi, Mabroka Mohamed Galal al-Zeidi; (women); Abdel Kadir Mohamed Mabrouk al-Zeidi, Mahrous Mohamed Abdel-Mou'ti al-Zeidi, Mahrous Abdel Hamid al-Zeidi, Hamid Attia al-Zeidi, Mahmoud Attia al-Zeidi, Abdel Samie' Mahmoud Attia al-Zeidi, Shawki Mohamed Abdel-Mou'ti al-Zeidi, Abdel Moniem Abdel Mageid al-Zeidi, Fawzy Abdel-Maged al-Zeidi, Hassan Bakr al-Zeidi, Ibrahim Abdel Fattah, Abdel Mou'ti Mohamed Abdel Mou'ti, Mohamed Mohamed Abdel-Wahap al-Natat, Atef Mahrous al-Zeidi, Gamal Gharib Abdel-Salam, Abdel-Salam Gharib Abdel-Salam, Gharib Abdel-Salam Abu-Karn, Taha Abdel-Maksod al-Natat, Shahat Ibrahim Abu-Hatab, Karam Shahat Ibrahim Abu-Hatab, Taha Abdel Monagy al-Natat, Gamal Sameh, Fat'halla Ali al-Zeidi, Ali Abu Saadalla (men); Mohamed Shawki Abdel Moutaleb al-Zeidi (aged 3), Ahmed Abdel-Kadir al-Zeidi (7 months), Nasser Fathi al Zeidi (12), Belal Fathi al-Zeidi (3), Hani Fathi al-Zeidi (10), Wafa'a Ahmed al-Zeidi (14), Nadia Kadamy al-Zeidy (13), Mustafa Hussein Abdu (16), Hassan Hussein Abdu (16), Ahmed Said Abdu (15), and Adham Abdel Ghafar Hussein (11). All of these persons were reportedly detained at Assem police station without legal grounds until 13 December 1993. During their detention many were allegedly subjected to torture, including by beatings with fists, sticks and a rubber hose, and electric shocks. Some were reportedly stripped naked, fettered, dragged on the ground, splashed with cold water, suspended over doors and threatened with false charges. Shawky Mohamed Abdel-Moutelab al-Zeidi sustained wounds to his arms, swelling on the left side of his chest and on his feet and scars on the surface of his left buttock, apparently due to a lighter's flame. Mohamed Shawky al-Zeidi, three years of age, suffered wounds and red marks on the right side of his forehead and under his eyes, which allegedly resulted from cigarettes having been extinguished on him. Abdel Kadir Mohamed Mabrouk al-Zeidi suffered red scars on his left toe and swelling and a continuous shaking in his left foot.

203. Abdel Gouda Hussein was detained at El-Tebien police station on 2 March 1994, reportedly because he had refused a request to work as an informer after having completed a prison sentence. At the station he was allegedly slapped, suspended from handcuffs over a door and hit on the back of his neck, causing him to suffer abrasions on his back and a protrusion of a bone in his chest.

204. Adel El Sayed Abdel-Hady and his sister, Fatma El Sayed Abdel-Hady, were reportedly arrested on 25 June 1994 at their home by two officers from El-Sharabia police station, including one with whom Adel had previously had a quarrel. Adel was allegedly tied up with his undershirt and Fatma's clothes were torn and she was dragged down the stairs. At the police station they were allegedly assaulted over the course of two days. Adel sustained bruises on his chest and back and Fatma suffered bruises on her hand and swelling in her face and neck.

205. The following persons were reportedly arrested and subjected to torture between 14 and 24 July 1994, after officers from Manshiet Nasr police station raided their homes: Abel El Moniem Mohamed Sayed Ahmed (aged 65), Eaman Abdel Moniem (aged 12), her mother Mona Mohamed Gad, Ahmed Abdel Moniem Mohamed (aged 12) and Zien Ahmed Saber. Police officers allegedly tied Zien Ahmed

Saber's hands with rope, beat him and applied electric shocks to his testicles. This treatment resulted in injuries to his chest, marks around his wrist, a wound and scars on his arm, and bruises on his back. The station officer allegedly kicked and beat Ahmed Abdel Moniem Mohamed. Eaman Abdel El Moniem was allegedly stripped of her clothes, beaten, and threatened with rape. Mona Mohamed Gad was allegedly stripped of her clothes, and threatened with rape and electric shocks. The Public Prosecutor was said to be investigating the incident.

206. Abdel Mohamed Ibrahim was reportedly dragged down the stairs and onto the street on 29 June 1994 by an investigation squad from the 15th May-Helwan police station. He fainted and was allegedly ill-treated at the police station during one week's detention. He was transferred to hospital, where he received stitches on his forehead and stitches above his eyebrow. He also sustained injuries to his head, back and chest.

207. Amr Mohamed Safarat, reportedly arrested and held at Ein Shams police station for nine days without food in October 1993, was allegedly subjected to torture at the police station and at SSI premises and was subsequently transferred to a hospital for mental illness. A hospital report indicated severe injuries on the back, side and legs. He died in hospital after 50 days, allegedly because of a deteriorating condition and neglect.

208. Abdel Meguid Khalifa was reportedly arrested at his home on 4 April 1994 by a force of officers and soldiers from al-Wasta, Beni Suef Governorate, along with a mobile unit from Cairo Transport Police Investigations. They were in search of his son, Ramadan Abdel Maguid, but took Abdel Meguid Khalifa in his son's absence. On 10 April Ramadan Abdel Maguid and his brother Mahmoud Abdel Maguid were arrested and taken to the al-Wasta police station. Their mother, Fayza Abdel Salam, went to the station to inquire about the three arrested members of her family and was herself detained. She reportedly heard her husband's screams on 3 May 1994 and rushed to find her husband with his hands and feet chained and the lower part of his body on fire, with the police station chief and others attempting to unchain him and extinguish the fire. Abdel Meguid Khalifa was transferred to hospital and died on 7 May 1994. Fayza Abdel Salam was allegedly pressured to drop a complaint filed concerning her husband's death and remained unaware of the whereabouts of her two detained sons.

209. Fateh El Bab Abdel Monniem Shaalan and his son Yasser Fateh El Bab Abdel Moniem Shaalan were reportedly detained on 15 August 1994 at Helwan police station in connection with a charge of firearms possession. Yasser Fateh was allegedly suspended, whipped and confined in an area known as "the refrigerator". His father was allegedly beaten to death. The prosecution detained an officer, subsequently released on bail, on torture charges.

210. By the same letter, the Special Rapporteur sought from the Government clarification and follow-up information pursuant to the Government's replies to a number of previously transmitted cases.

Urgent appeals transmitted and replies received

211. On 30 January 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Adel Houssein, Secretary-General of the opposition Labour Party, who reportedly had been detained under a detention order issued on 25 December 1994 by the State Security Prosecution. He was said to suffer from angina and a blood clot on the brain and his medical condition was reported to be critical. He was allegedly being denied access to appropriate medication in detention at Tora Istikbal Prison.

212. On 5 April 1995 the Government replied that Adel Hussein had been summoned by the Department of Public Prosecutions for questioning after pamphlets issued by an illegal organization were discovered in an airplane after the flight he had taken had landed. On 28 December 1994 he was examined by the Department of Forensic Medicine, whose report indicated that he had not suffered any injuries. His wife had supplied him with blankets, medicine and food on 24 December and on 27 December an acquaintance had provided him with clothing, blankets, medicines and books. He received a number of subsequent visits as well. On 18 January the Attorney-General ordered his release.

Equatorial Guinea

Llamamientos urgentes y respuestas recibidas al respecto

213. El 2 de marzo de 1995, el Relator Especial envió un llamamiento urgente al Gobierno en favor de José Ndong Masuela y otros dos miembros del Partido del Progreso de Guinea Ecuatorial (PPGE), quienes habrían sido detenidos en la noche del 26 de febrero en Malabo y llevados a un cuartel abandonado donde habrían sido sometidos a tortura. En torno al mismo día, varios militares también habrían sido sometidos a tortura. En torno al mismo día, varios militares también habrían sido detenidos en Malabo y Bata entre los que se encontrarían el ex teniente coronel Pedro Esono Maisé y el director de la academia militar de Bata comandante Leoncio Miká, desconociéndose el lugar de detención.

214. El 9 de marzo de 1995, el Relator Especial envió otro llamamiento urgente después de recibir información adicional en relación con la detención de militares y miembros del Partido del Progreso. Según esta información, las siguientes personas se encontraban también detenidas en situación de incomunicación en el recinto del palacio presidencial de Bata: Agapito Ona, secretario general del PPGE; Pablo Ndong Nsema, miembro del PPGE; Manuel Ndong Asayong, miembro del PPGE; Indalecio Abuy; Pedro Mesa Mba, soldado; Federico Ona Nsong; Joaquín Nsi Okará, sargento; Acacio Ovono Ndong, soldado; Evaristo Pascual Asumu; Rufino Ntutumu Abago; Ramón Ndong Mikó, teniente de marina; Eulogio Ndung Mesí; Juan Mba Bikoro; Benito Mesa; Feliciano Mangue Bikoro, miembro de la marina. También se expresaron temores con respecto al trato que podrían sufrir Severo Moto Nsá y Tomás Eló, quienes fueron procesados entre el 2 y 6 de marzo y se encontraban en la prisión de Black Beach.

215. Finalmente, el Relator Especial envió un llamamiento urgente el 1° de junio de 1995 en favor de Elvira Lawson Otavenga, esposa de Juan Nzo (vicesecretario general del partido Convergencia para la Democracia Social), quien habría sido detenida por la policía el 23 de mayo de 1995 en su

domicilio de la ciudad de Malabo. La detención estaría al parecer relacionada con la situación de su esposo, quien había estado detenido unos días antes y se encontraba en ese momento en la clandestinidad al ser buscado de nuevo por la policía. Se informó también que Rafael Obiang, dirigente del partido Convergencia Social Democrática y Popular, habría sido detenido sin orden judicial por el Secretario de Estado para la seguridad el 24 de mayo de 1995 en su domicilio de Malabo, por haberse encontrado en su posesión copias del periódico La Verdad. En relación con este llamamiento urgente, el Gobierno transmitió una nota al Relator Especial rechazando la eventualidad de que las dos personas mencionadas pudieran ser sometidas a tortura.

Ethiopia

Urgent appeals transmitted and replies received

216. On 30 January 1995 the Special Rapporteur transmitted an urgent appeal concerning Wolde-Yesus Mengesha, who was reportedly arrested in early January 1995 in connection with events at the funeral in Ambo of businessman Derar Kefana in September 1994. A number of persons had previously been arrested after attending the funeral, and one of the detainees, Bekelle Wolde-Michael, required medical treatment in Addis Ababa for injuries allegedly resulting from his ill-treatment in detention.

217. On 28 June 1995 the Government replied that neither Bekele Wolde-Michael nor Wolde-Yesus Menesha, detained on charges relating to disturbances at the funeral of Derara Kefana and other incidents, were ever ill-treated in detention and would not be ill-treated in the future.

Information received from the Government with respect to cases included in previous reports

218. On 4 October 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Lemma Sidamo, acting Vice-Chairman of the Sidama Liberation Movement, who had been arrested on 22 September 1994. On 6 February 1995 the Government replied that he had not been imprisoned or ill-treated.

219. On 20 May 1994 the Special Rapporteur sent an urgent appeal on behalf of a number of members of the Ogaden National Liberation Front (ONLF), who had reportedly been arrested. On 27 June 1995, the Government informed the Special Rapporteur that three detainees, Shukri Yasin, Mohammed Ali Tahir and Hassan Jirrar Kalidayis, were in custody awaiting trial. They had suffered no ill-treatment. Ill-treatment did not occur in any place of detention in the country.

220. On 26 August 1994 the Special Rapporteur sent an appeal on behalf of another group of ONLF members arrested by soldiers in May 1994 and detained in Kebri. The mayor of Godey, Mirad Leli Sigale, was among those arrested and was allegedly killed in detention. The Government replied on 29 June 1995 that a person identified as Ugaz Mirad Lilai was killed when trying to escape from detention.

France

Informations transmises au gouvernement et réponses reçues

221. Le 10 juillet 1995, le Rapporteur spécial a transmis au gouvernement des informations faisant état des conditions de détention de Michel Vaujour. Selon ces informations, Michel Vaujour, réincarcéré en 1986 après s'être évadé de la prison de la Santé à Paris, serait maintenu depuis lors en régime d'isolement. Un rapport psychiatrique établi en 1989 indiquait que les conditions d'incarcération avaient des conséquences sur sa santé. Le 18 octobre 1995, le gouvernement a répondu que M. Vaujour avait été placé sous le régime d'isolement pour des raisons de sécurité. Le rapport du gouvernement décrit les conditions de détention et indique que M. Vaujour n'avait formulé auprès de la direction de la maison d'arrêt de Fleury-Mérogis aucune demande particulière d'assouplissement du régime sous lequel il était placé. En septembre 1995, il a été réaffecté à la maison centrale de Lannemezan, où il bénéficie de conditions de détention normales.

Renseignements reçus du gouvernement au sujet de cas traités dans des rapports précédents

222. Dans une lettre du 11 novembre 1994, le Rapporteur spécial a fait savoir au gouvernement qu'il avait reçu des informations indiquant que la police avait torturé ou maltraité des personnes arrêtées lors de manifestations de rue qui avaient eu lieu à Paris en avril 1993 afin de protester contre le décès, en garde à vue, de Makomé M'Bowole. Le 18 octobre 1995, le gouvernement a répondu que les personnes mentionnées ci-dessous avaient déposé des plaintes contre des agents des forces de l'ordre suite à ladite manifestation.

223. Thomas Darnal : interruption temporaire de travail de plus de huit jours. L'affaire est en cours au parquet de Paris, les gardiens de la paix mis en cause n'ont pas été mis en examen.

224. Philippe Lescafette : également en interruption de travail de plus de huit jours. L'affaire est en cours au parquet de Paris. Un brigadier et un gardien de la paix ont été mis en examen.

225. Yves Zaparucha : interruption de travail de plus de huit jours. L'affaire est également en cours au parquet et aucun fonctionnaire n'a été mis en examen.

226. Selon le gouvernement, aucune plainte n'a été déposée par Philippe Gibes et Salim Hadjadj (cas également transmis par le Rapporteur). En revanche, tous deux ont fait l'objet de procédures pour violences à agent de la force publique.

Gambia

Urgent appeals

227. On 25 October 1995 the Special Rapporteur sent an urgent appeal concerning the following persons: Alhaji Omar Amadou Jallow, a former Minister of Agriculture; Mamadou Cadicham, a former government official;

Alhaji Omar Sey, a former Minister of External Affairs; Yaya Ceesay, a former Minister of Local Government and Lands; Hussainu Njai, a former bank director and member of parliament; and Oussainu Darboe, the Vice-President of the Gambian Lawyers' Association. They were among at least 40 persons reportedly arrested around or after 12 October in connection with their alleged support for the banned People's Progressive Party. They were said to be held incommunicado at the Bakau military barracks near Banjul.

Germany

Information transmitted to the Government and replies received

228. On 29 May 1995 the Special Rapporteur transmitted a letter informing the Government that he had received reports indicating that some persons, mostly foreigners, asylum-seekers or members of ethnic minorities, had been subjected to ill-treatment or torture by police officers. The Special Rapporteur also transmitted three individual cases and on 18 September 1995 the Government sent replies to those allegations. The allegations and the replies are summarized in the following paragraphs.

229. Bûlent Demir, a 17-year-old German citizen of Turkish origin, was reportedly detained by police on 4 April 1994 in Berlin after he had been detected spraying the wall of a house with paint. Two officers allegedly punched him in the kidneys and the face and one officer kicked him in the head so that his face hit the ground and two teeth broke. Medical certificates were said to reveal that he had suffered bruises, abrasions, two broken teeth and a broken finger which required surgery.

230. The Government replied that Bûlent Demirer had fallen while fleeing from police when told to stop and had hit the pavement with a Balaclava helmet that he was wearing. After falling he had tried to get up and run, but was restrained and handcuffed by the officers. He told the officers that he had broken two incisors and an abrasion was visible on his face, but he refused a police offer to take him to hospital. After his release from police custody he was treated in hospital, where bruises, abrasions, partial tooth loss and a broken finger were diagnosed. Investigations did not confirm claims that the injuries resulted from kicks and blows administered by the officers. The injuries may have resulted from his fall and subsequent attempts to escape from the officers. The evidence was lacking for criminal charges to be brought against the officers and it had not yet been decided whether any disciplinary measures would be taken against them.

231. Yusef Barzan, an Iraqi Kurd asylum-seeker, was reportedly attacked by a group of youths carrying baseball bats during an anti-foreigner rampage in Magdeburg, Saxony-Anhalt, on 12 May 1994. While being chased through the streets, he encountered several police officers. Instead of offering him protection, one of the officers allegedly threw him to the ground, struck him with his baton, kicked him in the testicles and continued to beat him in the police car. He was released from custody the following morning.

232. The Government replied that the Magdeburg public prosecutor had filed charges against the officer for physically ill-treating Yusef Barzan and damaging his health. The charges alleged that the officer had struck the

victim with a rubber truncheon during apprehension, kneed him in the testicles during a body check, struck him over the head with an object and kneed him in the testicles again at the police station. The officer was suspended pending the proceedings. The Magdeburg local court acquitted the defendant in a judgement dated 30 June 1995. The Magdeburg public prosecution office filed an appeal against the judgement with respect to a part of the indictment relating to an alleged kick in the testicles.

233. A number of persons attending a demonstration in Hamburg on 30 May 1994 were allegedly subjected to ill-treatment by police, including the spraying of irritant gas at close range directly into their eyes and beatings. Oliver Neß, a journalist covering the event, was allegedly punched in the face and hit repeatedly in the kidneys, pelvis and chest with batons. He was also reportedly pinned to the ground by two police officers, while a third officer removed one of his shoes and forcefully rotated his ankle, causing his ligaments to tear. Medical certificates revealed torn ligaments, as well as multiple bruising and abrasions to the whole of his body and to his limbs.

234. The Government replied that criminal proceedings were pending before the public prosecution office at Hamburg Regional Court for bodily harm in office and that the investigation should be completed shortly.

235. The Special Rapporteur also advised the Government that he had received follow-up information from the source of allegations concerning the beating of Abdulkerim Balikci by two police officers in Berlin on 3 August 1993. This case is reported in the 1994 report of the Special Rapporteur (E/CN.4/1995/34, paras. 301-302). The Government in its reply had informed the Special Rapporteur that an investigation had failed to substantiate the allegations. The source maintained that the office of the public prosecutor had reached a decision without regard to its own determination that a witness attesting that the alleged victim had not been struck by the officers could not have been present at the scene at the time he claimed. The source also indicated that the allegation that Abdulkerim Balikci had himself attacked two officers was not confirmed by another witness who viewed the entire incident and whose testimony had been quoted in detail by the public prosecutor. That witness maintained that Abdulkerim Balikci had in fact tried to run away when apprehended by the officers.

236. The Government replied that neither in the statement of the public prosecutor's office at Berlin Regional Court dated 18 July 1994 nor in the decision on the complaint issued by the public prosecution at the Appeal Court dated 19 September 1994 was it clear that an eye-witness could not have been at the crime scene. Moreover, the police officers had not complained that they were attacked, but rather that they used necessary and proportionate force to apprehend the subject, who was resisting arrest.

Urgent appeals sent and replies received

237. On 1 February 1995 the Special Rapporteur transmitted an urgent appeal concerning Fariz Şimşek, a Kurdish national of Turkey, who was reportedly facing deportation by the Free State of Bavaria. He had allegedly been tortured by police in Turkey in December 1990 during a detention of 17 days. His ordeal included the stubbing of lit cigarettes on his head and hand;

suspension upside down by his feet and by his wrists with hands tied behind his back; application of electric shocks to his hands, feet, body and penis; insertion of an object, possibly the leg of a chair, into his rectum; and by hosing with and immersion into ice-cold water. A medical examination conducted in Germany reportedly documented scars consistent with these allegations. Subsequent to his release from detention in Turkey, he went into hiding, and during that time his pregnant wife was allegedly beaten severely by police in the course of a raid on his house in Istanbul. In November 1991 he was reportedly acquitted for lack of evidence by the State Security Court in Diyarbakir of supporting the Kurdish Workers' Party (PKK). He was reported to have fled Turkey and reached Germany in May 1991, following continued harassment.

238. On 17 February 1995 the Government replied that the authorities and administrative courts in charge of examining requests by asylum-seekers had determined that Fariz Şimşek's claims of political persecution in Turkey were implausible. In addition, the Government of Turkey had officially represented that it would not subject him to any persecution. Nevertheless, at the request of the Federal Constitutional Court, he had not been deported or detained for deportation. That Court would be re-examining his case.

Greece

Urgent appeals transmitted and replies received

239. On 13 November 1995 the Special Rapporteur made an urgent appeal on behalf of Geng Dauti, a 16-year-old national of Albania, who was reportedly detained on or around 2 November 1995 by police after the boat on which he was travelling ran out of fuel and drifted towards Greek territorial waters. He had allegedly been beaten in custody at Corfu police station and was not granted access to a lawyer or doctor.

240. The Government replied that Geng Dauti had been charged in connection with the alleged theft of a speedboat. He had not requested a doctor or lawyer, either during his initial detention at the central harbour-master's office, nor during his subsequent detention by the Corfu police. He had appeared before an examining magistrate on 3 November 1995 and was being held in the juvenile prison in Volos pending trial.

India

Information transmitted to the Government and replies received

241. On 11 April 1995 the Special Rapporteur transmitted a letter advising the Government that he had received information indicating that torture was practised routinely by the army, the Border Security Force (BSF) and the Central Reserve Police Force (CRPF) against the vast majority of persons arrested for political reasons in Jammu and Kashmir. Official investigations into allegations of torture, including those that resulted in custodial deaths, were said to be rare. On the few occasions where such investigations had taken place, they were carried out by the security forces themselves, rather than by an independent body. The investigations were said frequently to conclude that the victim had died in such circumstances as a "cross-fire",

without elaborating upon the evidence on which the conclusion was based. The Human Rights Cell, established by the Jammu and Kashmir State Government in June 1994, was reportedly headed by an inspector-general of police who is also in charge of the Kashmir intelligence service and also incorporates members of the paramilitary forces and army who themselves have been accused of committing serious human rights violations.

242. Torture victims or their relatives have reportedly had difficulty in filing complaints because local police were issued instructions not to file a first information report (FIR) without the permission of higher authorities. In addition, section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act provides that unless approval is obtained from the central Government, "(n)o prosecution, suit or other legal proceeding shall be instituted ... against any person in respect of anything done or purported to be done in exercise of the powers of the Act". This provision was said to allow the security forces to act with virtual impunity.

243. Doctors treating torture victims in Jammu and Kashmir were reported to have observed numerous cases of acute renal failure and to have named the phenomenon "physical torture nephropathy". The direct cause of the renal failure is a combination of dehydration during torture and the breakdown of soft tissue. The condition may lead to chronic kidney damage or even death. One common means of torture reported is "the roller", whereby the victims are forced to lie on their backs and a round pole is rolled over their legs and bodies with substantial force, often by two officials standing on each end of the pole and "walking" it over the victim. Rape was said to be carried out frequently to punish women suspected of being sympathetic or related to alleged militants and to intimidate the local population. Other methods of torture reported include beatings, forced distortion of joints, application of electric shocks, suspensions, burns, insertion of metal objects in the body, plunging into freezing water, dousing with boiling water, amputation of body parts such as fingers, and mock executions.

244. In a reply dated 8 December 1995, the Government informed the Special Rapporteur of the existence in India of various legal provisions which provided safeguards against the use of torture. These provisions include: the constitutional right of a person subjected to torture to move the higher courts for a remedy; the requirement under the Criminal Procedure Code that the police register and investigate complaints of torture; the right of an arrested person under the Code to receive a medical examination upon request to a magistrate; the inadmissibility in court of confessions to police officers and the requirement that a magistrate ensure that confessions or statements made by an accused are voluntary; the mandate under the Code for an inquiry be conducted by a magistrate into any death in police custody; and the prohibition under the Code of causing hurt to extort confessions or information from a person. The Government was at present considering making legal provisions for payment of financial relief to victims or their families of certain custodial crimes and the courts had in certain cases ordered such payments to be made. In addition, the National Human Rights Commission had made several recommendations for such compensation, which had been accepted by the Government.

245. With respect to allegations regarding Jammu and Kashmir, section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act was aimed at protecting members of the security forces from vexatious complaints. Nevertheless, the Government had, without exception, accorded permission to launch a prosecution wherever investigations had established the prima facie culpability of any security forces personnel. Allegations as to the routine nature of torture, including rape, by the BSF, CRPF and the army were false and part of a propaganda campaign by terrorists to divert the attention of the international community from the issue of terrorism. This was not to suggest that no human rights violations had occurred, but any such cases were promptly investigated and stringent action was taken where appropriate. Any allegation of a cognizable offence had to be registered by the State police. Such cases were investigated by the Criminal Investigation Department (CID), which functions independent of interference or influence from the security forces and State police. The security forces, including the army and BSF, maintained their own statutes prescribing severe punishment for acts of indiscipline by their members. They also had their own courts of inquiry to try cases such as torture, deaths in custody and rape.

246. Contrary to the allegations, the Human Rights Cell of Jammu and Kashmir was not headed by a police officer, but rather by the Division Commissioner, Kashmir, who is a member of the civil service. A representative of the CID had also been included, as the CID is the primary agency for investigating complaints. The security forces were represented on the Cell so as to provide for better coordination and effective follow-up action on investigations. The allegation that police had instructions not to file an FIR without the permission of higher authorities was incorrect, as no such orders had ever been issued. Rather, the police were duty bound to register such complaints and were subject to legal and departmental action if they failed to do so.

247. In his letter of 11 April 1995, the Special Rapporteur also transmitted nine cases occurring in Jammu and Kashmir, as well as three other cases occurring in the country. The Government provided replies to some of these cases on 23 August 1995, 2 November 1995, and the above-mentioned letter of 8 December 1995. The allegations, followed by the Government's replies, are summarized in the following paragraphs.

248. Naseer Ahmad Hajam was reportedly arrested and interrogated by soldiers on 23 November 1994 during operations conducted in the Batamaloo district of Srinagar. He allegedly received electric shocks to his ears, eyelids, finger and wetted genitals and was subjected to the "roller", which resulted in broken bones. He twice lost consciousness during his ordeal.

249. The Government replied that no such person had been arrested on the date in question by the security forces in the Batamaloo district.

250. Dr. Ghulam Mohammad Bhat, a senior hospital doctor, was reportedly interrogated under torture in a makeshift detention centre, following a raid on the village of Mujagund on 25 June 1994 by troops from the Zainkot army camp. He allegedly had water poured down his mouth through a wet cloth placed over his mouth and nose, while two soldiers sat on his legs and another placed his feet on his chest. Electric shocks were then applied to his penis. He was said to have been tortured repeatedly in 20-minute periods.

251. The Government replied that the allegations were totally baseless and unfounded. He had never been arrested by the security forces and no person had lodged any complaint on the matter to the police.

252. Ghulam Mohammad Dar, reportedly detained on 26 April 1994 during a raid by security forces in Letapora, Pulwama district, was allegedly subjected to electric shocks, burning, beatings and the "roller" at an army camp in Khannabal. After three days of this treatment he was left on the side of a road. At hospital he was diagnosed with acute renal failure and doctors concluded that it would take at least a year for him to recover, if he responded to treatment at all.

253. Ghulam Nabbi Sheikh was reportedly arrested on 10 May 1994 during a raid by security forces on his village, Kangri Pora, near Beerwah in Budgam district. He was allegedly tortured for several hours during interrogation, including through the insertion of an iron rod into his anus, which caused severe damage to his lower intestine. He was sent to hospital in critical condition and his chances of survival were said to be low.

254. Hanifa, aged 16, was allegedly gang-raped by soldiers of the 26th Punjab regiment in November 1994 during a search operation by the army at Lathi Shot near Sopore. Naseema, from the same village, was allegedly gang-raped by members of the security forces in July 1994.

255. The Government replied that the State Criminal Investigation Department had found the allegations regarding Hanifa unsubstantiated.

256. Mushtaq Ahmad Bhat, reportedly arrested on 19 March 1994 by the 5th Garwal Rifles during operations at Akhraj-pora, Srinagar, was allegedly tortured at an unofficial interrogation centre at Gogaland. His family visited him at this location two months after his arrest and reportedly observed burns to the left side of his body and ankles and wounds on his head. He was transferred to a number of locations, including to Badamigagh, Srinagar, Hari Niwas Interrogation Centre, Kotbalwal Jail in Jammu, back to Hari Niwas and finally to Rangreth Interrogation Centre, where he died on 22 August 1994. Other detainees reportedly had urged that the authorities allow a doctor to see him after he had fallen ill with pains in his chest. A magisterial inquiry and a police inquiry were ordered with respect to this case.

257. Fayaz Ahmad Magloo, reportedly arrested on 8 April 1994 in Stadium Colony, Baramulla, by the BSF, was allegedly tortured throughout the night and his body was handed over to local police the next day. A post-mortem was reported to reveal that he had been burned with heated objects and given electric shock treatment. Local police registered a case against BSF personnel, but the outcome of any investigation was unknown.

258. According to the Government, Fayaz Ahmad Magloo had been apprehended during a cordon and search operation, but had not been tortured as alleged. Rather, he had died in a cross-fire with militants while he was being taken to Kansipora. To allay any misgivings, proceedings were initiated by the CID and the district magistrate of Baramulla.

259. Nazir Ahmad Sheikh, reportedly arrested by the army on 31 December 1994 during operations in his village of Chak Yama, near Handwara, Kupwara, was taken to the army camp at Kalm Chaklat. It was reported that at the camp a wooden roller was run over his legs, his legs were forcibly pulled and held apart, he was forced to crawl on frozen snow, his feet were burnt repeatedly on a hot stove and he was beaten frequently with bamboo sticks. On 12 January he was transferred to the army camp at Langet and was allegedly subjected to torture for a further 10 days. He was thereafter transferred to the Joint Interrogation Centre in Baramullah and two days later, when his physical condition had deteriorated, to the army base at Badami Bagh in Srinagar. He was released in critical condition on 7 February to the custody of local police, who brought him to the Bone and Joint hospital. He had developed gangrene of the feet and left hand and had to undergo amputations below both knees and of four of fingers of his left hand. The local police reportedly refused to register a first information report against the army.

260. The Government replied that on 1 January 1995 Nazir Ahmad Sheikh had tried to flee upon seeing an army patrol and was chased and taken in for questioning. He had been barefoot and was suffering from frostbite. During questioning he confessed to being a militant and, after weapons were recovered, he was brought back to the army post and kept in a warm room and provided food and shoes. He was taken to hospital by local police, but when he refused treatment was released on bail so that he could get himself treated on his own. It was not true that his injuries had resulted from torture.

261. Baba Sewa Singh, reportedly arrested on 24 September 1993 at Sri Guru Angad Dev college, Khandoor Sahib, Punjab, was allegedly subjected to the "roller treatment" at Khandoor Sahib police station, during which he was forced to lie naked on the ground with his hands tied behind his back. His feet were pulled in opposite directions by police officers and an iron roller was moved up and down his legs for five or six minutes by three men sitting on the roller. The treatment was repeated four times in the space of an hour. Doctors confirmed that tiny fractures in his thigh bones and smashed hips were consistent with his allegations of torture.

262. The Government replied that Baba Sewa Singh had not been arrested by the police of Verowal police station on 24 September 1993 and the allegation was therefore baseless.

263. Biraj Adhikari, Vice-President of the opposition Sikkim Democratic Front (SDF), was reportedly detained on 24 June 1993 two days after he had led an opposition demonstration. He was allegedly tortured by six police personnel at Sadar police station, during which he was beaten severely on the soles of his feet and palms of his hands with a danda (stick), his chest was stamped upon with boots after a sack had been placed over his head, threats were made against his life and the lives of his family. He was allegedly beaten with a wooden pole with a protruding nail, which punctured his soles, and made to frog-jump on the floor. He lost consciousness due to loss of blood and was taken to hospital. Medical reports revealed the presence of multiple contusions and broken bones in both feet, soles, ankles and the lower parts of

both legs, a laceration of a toe, and other injuries. An independent medical expert concluded that his injuries were consistent with the torture allegations. No action was reportedly taken with regard to a complaint filed by the victim.

264. The Government replied that, pursuant to the complaint filed by Adhikari Biraj, two subinspectors and two constables had been arrested and later released on bail. They were placed under suspension, a criminal case was registered on 28 January 1994 with the court of sessions judge, East and North, and the matter was sub judice. A payment of 114,288 rupees had been made to the alleged victim for medical and other expenses.

265. Dhan Raj Tamang, an SDF party worker from West Sikkim, was reportedly arrested by police on 7 December 1993 and subsequently beaten throughout the night. He was released from custody the next day and collapsed and died upon reaching the home of another SDF activist. A post-mortem was said to have revealed the presence of "grievous injuries".

266. The Government replied that a Home Guard official and two constables, who had reportedly tortured Dhan Raj Tamang, were arrested and released on bail. They had been placed under suspension. A case was registered with the court of sessions judge, South and West, on 7 July 1994 and the matter was sub judice.

267. The Special Rapporteur transmitted another letter on 22 September 1995 advising the Government that he had received information indicating that the incidence of death in custody due to torture in the country had increased markedly in 1994. In this connection, he transmitted the cases summarized in the following paragraphs. In its letter of 8 December 1995, the Government replied to some of these cases and those replies follow the corresponding summary of allegations.

268. Safiq Rahman, reportedly arrested on 6 June 1994 on suspicion of theft, was allegedly beaten to death with sticks by police from Badorpur police station in Assam. His body was observed with marks of torture, including broken fingers and teeth.

269. The Government replied that Safiq Rahman and another person had been beaten up by members of the public in Kamalpora village, after they were discovered with stolen property. A case had been registered against "the people" of the village. That case was under investigation.

270. Romancel Deep, a 14-year-old boy reportedly arrested on 6 September 1994, was allegedly beaten with sticks by police officers from Ghildari police station in Assam. The beatings caused swelling to his entire body. Police officials reported on 8 September that he had committed suicide, but refused to hand over his body to the family and instead cremated it after the post-mortem was conducted. The Assam government reportedly ordered a magisterial inquiry into the death.

271. The Government replied that a post-mortem had found the cause of death in the case of Romancel Deep to be suicidal hanging. The magisterial inquiry had found no evidence of excesses on the part of the police and had determined that his body had been disposed of in accordance with the desire and consent of his family members.

272. Manoj Kumar and Puroshottam Kumar, alias Punnu, both residents of Chechaul village, Naubatpur, Bihar, were reportedly beaten on 13 June 1994 by police officers from Naubatpur and paraded around the village with placards placed around their necks reading "I am a killer". They were allegedly tortured at Naubatpur police station and were declared dead on arrival at hospital. Two officers alleged to be involved in their deaths were transferred.

273. According to the Government, preliminary inquiries had found four police personnel guilty of a number of charges, including murder, in the cases of Manoj Kumar and Puroshottam Kumar. A case registered against them was under investigation.

274. Nanak Chand, a resident of Varoli village, Palwal, Haryana, and a member of the Balmiki caste, who was arrested on 28 January 1994 on suspicion of rape and abduction of a minor, was allegedly tortured and died in police custody on 1 February 1994. The deputy commissioner was reported to have ordered a magisterial inquiry and to have sanctioned an ex gratia payment of 40,000 rupees to his next of kin. An assistant superintendent and two constables were reportedly suspended in connection with the incident.

275. Abdul Kareem, from Achankavala, near Thodupuzha, Kerala, was reportedly arrested by plair-clothes police officers on suspicion of theft on 14 April 1994. He was allegedly tortured. A post-mortem report revealed death by hanging. Three officers were suspended for dereliction of duty in the incident.

276. The Government replied that a petition had been filed by the widow of Abdul Kareem in the High Court and the matter was sub judice. On the basis of a preliminary inquiry, a head constable, a subinspector and a sentry were suspended.

277. Rajkumar Jatav, a resident of Madhya Pradesh, was allegedly beaten by police officers on 1 July 1994 and taken to hospital in Gwalior, where he died on 8 July. Three police officers charged with his murder were said to have absconded. The victim's family were reportedly given monetary compensation and jobs by the Government.

278. The Government replied that a subinspector, a head constable and a constable had been found to be responsible in the alleged torture and the case was sub judice. Compensation had been paid to the relations of the deceased.

279. W. Deven Singh, a resident of Manipur, was reportedly arrested by police officers on 16 February 1994 on suspicion of sheltering members of an illegal organization. He was allegedly tortured to death at Nambol police station. A magisterial inquiry concluded that his death was due to cardiac arrest, but

an appeal against that conclusion was made by the Civil Liberties and Human Rights Organization. As a result of that appeal, the Imphal bench of the Guwahati High Court ordered a judicial inquiry.

280. According to the Government, the district and sessions judge, Manipur (west), had come to the conclusion that there had been no lapse on the part of the police with respect to W. Deven Singh and that he had suffered a natural death.

281. Kuldip Singh, a resident of Baljit Nagar, Delhi, was arrested on 28 May 1994 by immigration authorities upon his arrival at Indira Gandhi International Airport, after he had been deported from Germany. The subinspector at the police station reportedly demanded a bribe from his father for his release, which his father refused to pay. He was taken to Tihar jail, where he was allegedly beaten and subsequently died. An inquiry held by the subdivisional magistrate of Punjabi Bagh zone determined that he had died of heat stroke, but the autopsy reportedly revealed 11 "external injuries" on his body and photographs showed blood coming from his nose and mouth, black spots, apparently resulting from electric shocks, and a fractured and swollen arm. The Supreme Court ordered the Central Bureau of Investigation (CBI) to conduct an inquiry and the Delhi government to pay the family Rs 10,000 compensation.

282. According to the Government, a board of three doctors conducted a post-mortem and determined that Kuldip Singh had died due to heat stroke. A second medical board of experts constituted by the Criminal Bureau of Investigation came to the same conclusion.

283. Masoom Ali, a 60-year-old New Delhi resident, was arrested on 27 August 1994 following a quarrel. He was allegedly beaten at Seelampur police station and died on the way to hospital. An inquiry carried out by a subdivisional magistrate concluded that his death was due to beatings in custody and recommended that action be taken against the additional superintendent, a duty officer and the station house officer (SHO).

284. According to the Government, a case was registered against an assistant subinspector, a duty officer, a head constable and the SHO in connection with the death of Masoom Ali. A police departmental inquiry against the subinspector was undertaken and the SHO was censured. The cases were still under investigation.

285. Suresh Rajesh, reportedly arrested along with several other persons in New Delhi on 30 November 1994 on charges of stabbing a head constable, was taken to Mangolpuri police station, where police officials demanded payment from his mother for his release. He was allegedly beaten severely and declared dead shortly after his arrival at hospital. A post-mortem revealed internal injuries, including to his liver and spleen, resulting from a severe beating. A case of homicide not amounting to murder was registered against police officials. In addition, the SHO, two subinspectors and three constables were suspended and an additional SHO was transferred.

286. The Government replied that pursuant to the recommendation of the National Human Rights Commission, the case was being investigated by an

officer of the level of additional commissioner of police and departmental action against the police official involved had been initiated. A sum of Rs 100,000 had been paid to the father of Suresh Rajesh.

287. Babula Das, a resident of Bharatpur village, Orissa, and a member of a scheduled caste, was reportedly arrested on 27 April 1994 on theft charges and taken to Khandagiri police station. He was allegedly tortured, including by means of electric shocks, and subsequently died. The inspector in charge of the police station and another officer were reportedly suspended in connection with the incident.

288. Balwinder Singh, a resident of Khanowal village, Punjab, was reportedly arrested on 3 January 1994 by the SHO of Gurdaspur police station and detained at the station for 21 days, even though no case had been registered against him. He was allegedly tortured to death. On 21 January the police brought his body to the village and allegedly cremated it under security.

289. Amarjit Singh, a resident of Punjab, who had gone to Civil Lines police stations on 15 February 1994, was transferred in a semi-conscious state from the station to the hospital, where he died. A post-mortem reportedly found prima facie evidence of torture marks on his body.

290. The Government replied that the post-mortem had revealed that the cause of the death of Amarjit Singh was aluminum phosphide intake. There were also injuries on the body which were ante-mortem in nature. The death was due to poisoning and an inquiry had found that no police personnel were responsible.

291. Mahiman Kaushik, a resident of Rajasthan, was allegedly beaten unconscious with sticks on 16 July 1994 by an assistant subdirector and two constables from Atalbandh police station. He died on the way to hospital. A post-mortem revealed 31 wounds on his body. Three officers who had been suspended and arrested in connection with the incident were reportedly released on bail.

292. The Government indicated that a charge-sheet had been filed in court on 15 March 1995 against an assistant subinspector and two constables, who had been found prima facie guilty of several charges in the case of Mahiman Kaushik, including culpable homicide not amounting to murder.

293. Shankar Lal Soni, a resident of Rajasthan, was summoned to the police station in Kishangarh, where he was allegedly beaten severely. He was released on 16 July 1994, after his physical condition had deteriorated. He died in hospital on 28 July, one day after being discharged. His death was said to have been caused by damage to his urinary tract. An investigation was being undertaken by a deputy superintendent of police.

294. The Government stated that a post-mortem report had revealed that there were no marks of external injuries to Shankar Lal Soni and that his death was due to pulmonary oedema and shock. An investigation by the state CID had found the allegations of torture to be unfounded and baseless.

295. Rajesh Singhal, a resident of Rajasthan, was reportedly arrested by railway police on 19 August 1994, following a complaint by a group of

tourists. He was allegedly beaten severely by the police officers and died in hospital on 19 August. Police officials maintained that his death was due to suicide.

296. The Government replied that five railway officials, including two railway police officials, had been arrested in the case of Rajesh Singhal and were released on bail. A charge-sheet enumerating several charges against them had been filed and the matter was pending in court.

297. Satish Kumar, a 13-year-old resident of Kapali Thottam, Tamil Nadu, was arrested on 8 June 1994 under allegation of theft from a shop where he worked. He was allegedly tortured in Mylapore police station, during the course of which he vomited blood. His father was unable to provide the money demanded by the police for his release. Police officers allegedly forced a rickshaw driver to accompany them to the house of the family, where they dumped his body. His family recovered his body the next day and brought it to hospital, but doctors said that Satish Kumar had been dead for three hours. Three police officers, including a subinspector, were arrested in connection with the incident, a magisterial inquiry and post-mortem were ordered and compensation was paid to his family.

298. The Government replied that a charge-sheet had been filed on 7 March 1995 in the court of the chief metropolitan magistrate against an inspector, a subinspector and two constables, who were found prima facie guilty in the case of Satish Kumar. The case was under way. An ex gratia payment was also made to the kin of the deceased.

299. Muniyandi, a resident of Naral, Ramanathapuram, Tamil Nadu, was reportedly arrested on 26 April 1994 for selling illegal liquor. He was allegedly beaten severely and died in hospital. Three police officials were suspended and the revenue divisional officer was ordered to conduct an inquiry into the incident.

300. The Government replied that the collector of Ramanathapuram district had an inquiry conducted and the report of the inquiry was under consideration. An official of the Prohibition Enforcement Wing of the police was suspected of involvement in torturing Muniyandi. Compensation had been ordered from the Chief Minister's Relief Fund to the wife of the deceased.

301. Vasantha, a female resident of Muthandikuppam, Cuddalore, Tamil Nadu, who had gone to Muthandikuppam police station on 22 March 1994 to escape social harassment, was allegedly raped and tortured to death by officers. A departmental inquiry resulted in the suspension of a subinspector and four constables, but the officers subsequently absconded.

302. According to the Government, a subinspector, a head constable and three constables were found prima facie guilty in connection with the case of Vasantha. The CID filed a charge-sheet in the court of the judicial magistrate, Panruti on 2 March 1995. The case was under way.

303. Ram Lotan, a resident of Faizabad, Uttar Pradesh, was arrested on 18 May 1994 after being detained during a routine check and was allegedly beaten to death. A magisterial inquiry was undertaken and a deputy

superintendent of police, an SHO and a constable were suspended. The district magistrate and a superintendent of police reportedly promised land and money to his family in compensation.

304. The Government replied that an SHO, a subinspector and a constable had been found prima facie guilty in connection with the death of Ram Lotan and a magisterial inquiry was still in progress. An ex gratia relief of Rs 20,000 as well as a plot of land, a house and a widow's pension had been granted to the widow of Ram Lotan.

305. Hasan Bundu, an 80-year-old resident of Saharanpur, Uttar Pradesh, was detained by police on 2 August 1994, along with his son, who was suspected of theft. He and his son were allegedly tortured at Janakpuri police station, as a result of which Bundu died and his son lost an ear. A case was reported to have been filed against the SHO, who was suspended.

306. According to the Government, an investigation by the State police and a magisterial inquiry had found that there was no evidence of any torture by the police. Hasan Bundu had died from tetanus.

307. Sukhdeo Singh, Labha Singh, Tarsam Singh, Sarvajit Singh, Karaj Singh and Jeet Singh were among 28 prisoners held in Philibhit jail, Uttar Pradesh, who were reportedly dragged out of their cells and beaten by jail guards and members of the Provincial Armed Constabulary (PAC) on 9 November 1994, after they had tried to escape. These six persons died from injuries to their genitals caused by blunt objects, according to the post-mortem. Inquiries by the CID, the Additional Inspector-General of Prisons and a magistrate concluded that up to 39 police officials were guilty of using excessive force. Some of these officials were charged with murder.

308. The Government replied that an investigation by the Crime Branch of the police had established that excesses had been committed by certain officers/employees of the Philibhit city jail and that the city magistrate of Bisalpu had been found guilty of negligence of duty. Jail employees were found responsible for a number of criminal acts, including murder. The case was sub judice. An amount of Rs 100,000 had been provided to the dependent of each of the deceased as relief.

309. Mohammad Hussain, a detainee in Pilibhit jail in Uttar Pradesh, was allegedly beaten to death by a jail guard on 9 December 1994 after he had joined the wrong queue to receive his meal. The guard was reportedly charged with his murder.

310. The Government replied that a post-mortem had revealed that the cause of death to Mohammad Hussain was acute massive myocardial infection. The case was under investigation by the Crime Branch of the CID.

311. Ananda Roy, a resident of Bolepur, Birbhum, West Bengal, was reportedly arrested by police officers on 23 March 1994 under accusation of theft, after he had requested payment from his employer for overtime work. He was allegedly beaten by police at the hotel where he worked and taken to Bolepur

police lock-up, where he died. Arrest warrants were issued against the Bolepur inspector and the Howrah subinspector, who was also suspended from duty.

312. The Government replied that the inspector and the subinspector had been found prima facie guilty of torturing Ananda Roy in custody. They had absconded and efforts were under way to arrest them.

313. Smarajjit Sardar, a resident of West Bengal, was reportedly arrested along with three other persons on 8 April 1994 and taken to Border Security Force (BSF) camp, Majhdia village, Nadia district. The arrests followed an incident wherein a soldier had been beaten up. Smarajjit Sardar was allegedly beaten to death and his body was dumped in a field. Police officials were said to have maintained that BSF soldiers were responsible for his death.

314. Manotosh Karmakar, a resident of Somrabazar Rail Colony, West Bengal, was reportedly detained on 9 September 1994 on suspicion of theft and died the next day at Balagarh police station. The police maintained that he hanged himself, but his mother, after seeing his body, reported bruises from the soles of boots on his neck, blood in the corners of his eyes and severe wounds on his hands.

315. The Government replied that an autopsy on Manotosh Karmakar had revealed death due to asphyxia from hanging which was ante-mortem and suicidal in nature. Preliminary inquiries had revealed that there were no marks of injury on the body. Censure of the duty officer, assistant subinspector and a sentry had been recommended for not remaining alert. Investigations were continuing.

316. Dulal Ghorai, a resident of Sadhupota village, Panskura, West Bengal, was among a number of persons reportedly beaten by a subdivisional police officer, an inspector and the officer in charge of Panskura police station, during a raid on Sadhupota village on 8 October 1994. A doctor at a primary health centre refused to treat him and he was declared dead on arrival at Tamluk Sadar hospital. A post-mortem revealed that he had died of "shock and internal haemorrhage" and noted ruptures in the scalp areas and chest muscles.

317. According to the Government, Dulal Ghorai had jumped out of a police jeep while being taken to a police station on 17 October 1994. He had complained of giddiness and body ache and was transferred to hospital where he was declared dead on arrival. The post-mortem found no external injury. No torture had been inflicted. Inquest proceedings found no excesses to have been committed by the police.

318. Hari Biswakarma, a Nepali woman residing in Matigara, Patiram Jote, Darjeeling, West Bengal, her husband, Bimal Biswakarma, and her aunt were reportedly stopped by a police jeep on 23 November 1994 and offered a ride by the police officers for a sum of money. In the jeep, police officials allegedly hit Hari Biswakarma and threw her out of the vehicle. They returned to the spot where she had been thrown out and allegedly beat her. Hari Biswakarma died of her injuries the next day in Siliguri subdivisional hospital. Matigara police were said to have refused to file a first

information report, so the family filed a complaint with the superintendent of the Darjeeling police. One constable was reportedly suspended, but no arrests were made.

319. According to the Government, Hari and Bimal Biswakarma had taken a lift in a police jeep. An altercation had broken out owing to a misunderstanding on the part of the police driver, who had presumed that there was a warrant issued against Bimal and had started to question him. As a result, Hari had fallen from the speeding jeep and sustained injuries. She was taken to hospital immediately and died after a few moments. A case was registered on a complaint from Bimal Biswakarma and an investigation was under way.

320. By the same letter, the Special Rapporteur also communicated the following additional cases of alleged torture.

321. Rahul Bannerji and Abhijit Das, sports journalists, were reportedly dragged out of a news conference in Delhi on 1 July 1994 by members of the Punjab police, apparently because they had irritated the director-general of the Punjab police with questions they had posed to him. They were allegedly beaten and forced to lie on the floor at gunpoint in a van and then taken to Parliament Street police station, where they were allegedly beaten again. Abhijit Das sustained a fractured nose and Rahul Bannerji sustained multiple injuries as a result of the beatings. The director-general reportedly apologized to the journalists and the Home Minister ordered the commissioner of the Delhi police to investigate the incident.

322. The Government replied that preliminary inquiries had revealed that Rahul Bannerji and Abhijit Das had been manhandled during the news conference. Several charges, including criminal intimidation and voluntarily causing grievous hurt, had been registered. The trial was pending in the court of the metropolitan magistrate, New Delhi.

323. Bashir Ahmad Mir, a resident of Ladoo Pulwama, Jammu and Kashmir, detained on 13 February 1995 by paramilitary soldiers under accusation of membership of a rebel group, was allegedly taken to an interrogation centre, forced to stand in bare feet on the snow for six hours and subjected to electric shocks on sensitive parts of his body. He was also allegedly beaten with iron rods and bamboo sticks and forced to sit on a hot stove, causing him to lose consciousness. Two days later, after his feet had turned black and fluid was pouring from his toes, he was taken to the army hospital in Srinagar, where he was allegedly neglected by doctors. He was released from the military hospital on 10 April and admitted immediately to the Bone and Joint hospital, where he underwent amputation of both of his feet. A medical official at the hospital stated that his condition was consistent with the allegations of torture described above.

324. According to the Government, Bashir Ahmad Mir was suffering from frostbite at the time of his arrest and necessary treatment was given to him by the medical officer. The next day he complained of pain in his foot and was evacuated to Base hospital, Srinagar, and released on bail. Subsequently, six toes of his feet were amputated at the Bone and Joint hospital. It was

incorrect to say that he had been forced to stand on the snow for six hours during his interrogation. No case had been registered on behalf of Bashir Ahmad Mir.

325. The Special Rapporteur also informed the Government that a source of allegations had commented on the reply the Government had sent to the Special Rapporteur on 23 November 1994 with respect to some general issues regarding the question of torture in the country. With regard to the constitution of the National Human Rights Commission (NHRC), the source contended that although the NHRC had determinedly pursued a number of complaints, it had generally failed to inform human rights organizations as to the outcomes of the individual complaints they had submitted. Concern was also expressed at the exceedingly limited jurisdiction the NHRC could exercise in Jammu and Kashmir, where the majority of serious human rights allegations involved the army and paramilitary forces, bodies excluded from NHRC jurisdiction. The source welcomed the Government's proposed amendments to the Code of Criminal Procedure in May 1994 (see E/CN.4/1995/34, para. 344), but observed that Parliament had yet to adopt the proposals. With respect to lack of access to lawyers by detainees in Bombay, the source pointed out that language in the Bombay Police Manual that access to lawyers can be refused "when there is reason to believe that the ends of justice might be defeated or might suffer by such access" is excessively broad and seemed to contravene rulings by the Supreme Court on the issue. The source also stressed that, contrary to the representation of the Government, many detainees in practice are not brought before a magistrate within 24 hours of arrest and indeed some are released after several days without having seen a magistrate at all. This practice was said to create conditions which facilitate torture.

326. In its reply of 8 December 1995, the Government stressed that, with respect to the allegation that the above-cited instruction from the Bombay Police Manual might contravene the Constitution, any administrative order in contravention of the Constitution was justiciable and could be challenged in the courts. The Government also repeated its assertion that under law detained persons must be brought before a magistrate within 24 hours of arrest and that police officers not following this requirement would be liable for infringement of law. Remedies, including writs of habeas corpus, were available to any person arbitrarily detained.

327. Clarification and follow-up information was also sought by the Special Rapporteur in the cases of Sherpal, S. Pochamma, Khader Baba, Begum Sara, Gyani Ram, Babu Iqbal, Dilbagh Singh, Wilson, Ram Singh, Bhagwan Dass, Satyavan, Bhura Hartan Medhan, Vidyadharan, and N. Venkatesan (see E/CN.4/1995/34, paras. 325, 328, 329, 337, 350, 351, 352, 354, 355, 357, 360, 362, 365 and 368). With respect to many of these cases, the source expressed concern that inquiries and other proceedings were ongoing for prolonged periods without resolution. In the case of Begum Sara, the source observed that while the Government had replied that "no clue was found regarding the cause of the death of the deceased", the post-mortem had in fact found "marks of violence on (the) neck, breasts, left knee and there was a massive vulval edema and extensive vaginal tear ... Death was due to asphyxia due to ligature put on her neck and a constant power applied." The source was also concerned that no investigation by an impartial and independent body appeared to have been carried out with respect to the death in custody of Bhagwan Dass.

Information received from the Government on cases included in previous reports

328. On 23 August 1995, 2 November 1995 and 8 December 1995 the Government sent information to the Special Rapporteur with respect to 13 cases transmitted by the Special Rapporteur last year.

329. With respect to Udayan, who was allegedly tortured to death on 20 January 1994 at Mannarghat police station in Kerala, the Government stated that he had been found hanging by the ventilator of the toilet. An inquest was conducted by the subcollector. The deputy civil surgeon of Medical College hospital conducted a post-mortem and determined that his death was due to hanging. The report of a member of the Board of Revenue appointed by the state government to inquire into the circumstances of the death was still awaited.

330. With respect to Sabita, who was among a number of women allegedly gang-raped by police in Jagasinghpur, Orissa, on 27 October 1993, a commission of inquiry headed by a retired Chief Justice of the Sikkim High Court had concluded that the allegations could not be substantiated.

331. In the case of Madan Lal, who was allegedly beaten by police at Patel Nagar police station, Delhi, and subsequently died in hospital, inquest proceedings had revealed suspicion of foul play. An assistant subinspector and three constables were placed under suspension and interim compensation was paid to the dependents of the deceased, as per the recommendation of the National Human Rights Commission. In accordance with the decision of the Commission on the report of the additional district and sessions judge, the case was transferred to the Central Bureau of Investigation. A departmental inquiry against the subinspector was also ordered.

332. As to Vijaya, a 17-year-old woman allegedly raped by five police constables from Pondicherry police station, the subcollector of South Arcot Vallahar district, Tamil Nadu, found the constables prima facie guilty of committing the rape and proceedings had been initiated against them by the government of Tamil Nadu. Departmental action was also initiated against two other policemen for not receiving the complaint from the victim and an ex-gratia payment of 25,000 rupees was paid to Vijaya from the Chief Minister's Relief Fund.

333. Kanwar Singh Dhami, a leader of the Sikh separatist organization AKAL, had allegedly been tortured by police along with his pregnant wife Kuldip Kaur and their six-month-old son, Kanwar Ranbir Singh, during 10 months of unacknowledged detention in Punjab. The Government replied that the alleged victim, whose actual name was Bhai Kunwar Singh, was arrested with his wife and son under a provision of the Terrorist and Disruptive Activities (Prevention) Act (TADA). They were produced on 30 March 1994 before a subdivisional magistrate and subsequently taken into judicial custody. Bhai Kunwar Singh and Kulbir Kaur were being kept at Chandigarh jail at their own request and their son was released on bail. Their trial was in progress. The reply did not address the allegations of torture or 10-month unacknowledged detention.

334. With respect to Noodin Chaudry, who was allegedly beaten severely and deprived of food for six days by soldiers from the Madras 25th regiment on 6 February 1993, the Government identified the alleged victim as Noor-ud-ding Chowdhary and indicated that he had been arrested on the night of 20-21 March 1993 for crossing the border of territory controlled by Pakistan. A case was registered against him in Trehgam police station. No report had been received by the police of excesses committed by the security forces and the allegations of torture were not substantiated.

335. With respect to Raju Bhujel, who allegedly died in police custody in Tura, Meghalaya, from torture on 30 July 1993, preliminary inquiries had revealed that he had consumed liquor and quarrelled with friends on 29 July 1993 and police had taken him to the hospital in an unconscious state. An investigation by the concerned authorities regarding torture was in progress.

336. In the case of Deepak Ram, who was allegedly beaten to death at Sector 20 police station in Delhi on 19 May 1993, an investigation by the Crime Branch concluded that he had died in a road accident, as confirmed in the post-mortem report, which had revealed head injury as the cause of death. The driver of the car was found guilty under a judgement of the chief judicial magistrate, Ghaziabad, on 8 June 1993.

337. With respect to Ashok, who died after he had allegedly been beaten and deprived of water, food and sleep by police in Jahangir Puri, Delhi, following his arrest on 9 February 1993, the police had not apprehended him and therefore the question of torture did not arise. The police had searched for him because of his suspected involvement in a murder, but they were unable to locate him.

338. As to Kishanlal Agrawal, who died after he was allegedly beaten in Piplani police station, Madhya Pradesh, on 15 December 1993, a magisterial inquiry found an inspector, an assistant subinspector and a head constable prima facie guilty of beating him in custody. They had been suspended, a departmental inquiry was instituted against them and 25,000 rupees was ordered by the collector to be paid to his wife.

339. With respect to Ishtiyak, whose death was allegedly caused by torture at Saroorpur police station, Uttar Pradesh, the Government replied that he had been called to the station on 9 April 1994, but was released after interrogation and not held for two days as alleged. He had been undergoing treatment for an ear disease and was admitted to hospital on 12 April 1993, where he died. The cause of death was not ascertained during the autopsy, but an inquiry conducted by the superintendent of police, who had contacted the medical officer concerned, concluded that his death was caused by tetanus.

340. In the case of Raj Kishore, who died after allegedly being tortured by police in Modinagar on 23 July 1993, the Government indicated that he had been suffering heart problems and had died of a chest ailment. He had gone to the police station for questioning about an incident in which money had been stolen from him and had stayed in the police station overnight on his own

accord. He was transferred to hospital following his complaint of chest pain. However, since allegations of excesses by the police had been made the Crime Branch of the CID, Meerut, would reinvestigate the matter.

341. With respect to Sobejan Bibi, who was allegedly raped and killed on 4 September 1993 by two BSF members in Digberia, West Bengal, she had in fact been attacked by two private individuals. Inquiries had revealed that the two BSF members had reached the place of incident after the commission of the crime. The actual culprits were later apprehended and the case against them was under investigation.

Urgent appeals transmitted and replies received

342. The Special Rapporteur sent an urgent appeal on 19 May 1995 on behalf of Shabir Ahmad Shah, a leader of the People's League in Jammu and Kashmir, who was reportedly arrested on 12 May 1995 by members of the security forces. He was said to be held incommunicado at Hari Niwas interrogation centre. On 6 June 1995 the Government replied that Shabir Shah had been detained in connection with demonstrations, but had been released the same day. He was not taken to Hari Niwas interrogation centre nor subjected to torture.

343. On 3 July 1995 the Special Rapporteur sent an urgent appeal concerning Sheikh Mohammad Ashraf, a lawyer and President of the Baramulla branch of the Jammu and Kashmir High Court Bar Association, who was reportedly arrested on the night of 15-16 June 1995 by members of the army Rashtriya Rifles. His relatives were denied access to him and his whereabouts were unknown. On 23 August 1995 the Government replied that Sheikh Ashraf, who was affiliated with a militant group, had been arrested for a violation of the Indian Arms Act and remained in custody while proceedings against him were under way. On 21 November 1995 the Government notified the Special Rapporteur that he had been released on 9 September 1995.

Indonesia

Information transmitted to the Government

344. By letter dated 29 May 1995 the Special Rapporteur advised the Government that he had received allegations of torture in the cases summarized in the following paragraphs.

345. Junyonto, a nine-year-old boy arrested by police on suspicion of stealing a wallet on 16 January 1993 in Indramayu, West Java, was allegedly beaten on both feet and burned with cigarettes at the police station, until he admitted that he had stolen the wallet and given it to his parents. The next day, his mother, Dasmen, and his father, Sudarmo, were reportedly detained. Dasmen was allegedly beaten, kicked, and suspended upside down from the ceiling with her legs tied together while her hair was pulled. As a result of her treatment, she spent three days in a coma in hospital. Sudormo was allegedly kicked and punched while Junyonto was forced to watch. He eventually collapsed and was declared dead on arrival at hospital. Five police personnel were said to have been questioned by the military police about the incident, but it was unknown if they had been charged with an offence.

346. Fifty-six persons were reportedly detained by army troops and riot police on 27 June 1994 in the vicinity of the Ministry of Information in Jakarta during a demonstration of about 300 persons protesting the banning of three news magazines. The following were among the detainees allegedly beaten prior to arrest: Edo, a university student from Bandung, was allegedly beaten on the head and suffered a concussion requiring his hospitalization; Effendi Saman, a staff member of the Legal Aid Institute (LBH), from Nusantara, was allegedly beaten on the head, causing bleeding; Eli, from Garut, was allegedly beaten, resulting in broken fingers and his hospitalization; Este Adi, a journalist with Jakarta-Jakarta magazine was allegedly beaten in the face; Hadi Ciptono, a staff member of the non-governmental organization KASUM, from Surabaya, was allegedly beaten on the head, resulting in bleeding; Irwan, from Garut, was allegedly beaten, resulting in a broken rib and hospitalization; Semsar Siahaan, an artist, was allegedly beaten severely on the leg and was hospitalized as a result; Yudhi, a member of GMNI-Bandung, was allegedly beaten, suffered a head wound, and was hospitalized and received 16 stitches; W.S. Rendra, a leader of Bengkel Theatre, was allegedly beaten.

347. Sapto Rahardjo, Yulianto Bernardy, Thomas Henry Kurniawanto, and Ellyasa Budianto were reportedly detained by security forces in central Jakarta on 21 September 1994, after they had released balloons bearing labour rights messages. At the regional headquarters of the military Coordinating Agency for the Maintenance of National Stability (Bakorstanasda) in Jakarta, they were interrogated for two days and nights under the supervision of high-ranking military intelligence officers. The officers allegedly forced the men to strip, beat and kicked them and subjected them to electric shocks with a charged baton and a hand-operated generator. Sapto Rahardjo and Thomas Henry Kurniawanto were reportedly threatened with execution.

348. The Special Rapporteur also transmitted allegations he had received with respect to cases in East Timor, which are summarized in the following paragraphs.

349. Amarão dos Santos, the village head of Haupu, Letefoho subdistrict, Ermera, East Timor, was allegedly beaten severely by military officers in January 1994 after having submitted a report to government authorities about the alleged beating by a military officer and subsequent hospitalization on 27 December 1993 of villager Domingos Sama Lelo.

350. Mateus Alfonso, reportedly arrested on 23 July 1994 in Taci Tolu by soldiers from the Kopassus special forces unit, was allegedly beaten publicly, after admitting to a role in organizing a demonstration at the University of East Timor on 14 July 1994. He was subsequently taken away by the soldiers and his whereabouts were unknown.

351. Domingas da Silva, having helped a German television crew to return to their hotel in the midst of a demonstration in Dili in November 1994, requested that the crew accompany him to army headquarters so he could explain to the military officers that he had been assisting the crew and had not been involved in the political demonstrations. At army headquarters, plain-clothes

officers allegedly beat and kicked him severely for 8 to 10 minutes until the television crew members pulled him away and brought him to the Red Cross for treatment of the injuries he suffered.

352. Hendrique Belmiro da Costa, reportedly detained during the November 1994 demonstration and held by the military intelligence unit (Satuan Tugas Intelijen-SGI) of the Subregional Military Command for East Timor in the Colmera district of Dili, was allegedly tortured. He required stitches to his head as a result.

353. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

Urgent appeals sent and replies received

354. The Special Rapporteur transmitted five urgent appeals on behalf of the persons in the cases described below. The date on which the appeals were sent appears in brackets at the end of each summary.

355. José Antonio Belo, one of 24 East Timorese youths reportedly detained during a demonstration at the University of East Timor in Dili on 9 January 1995, was allegedly beaten along with another demonstrator by plain-clothes officers of the security forces before being driven away. It was feared that he might be subjected to further ill-treatment or torture during detention and that other persons arrested at the demonstration were at similar risk (11 January 1995).

356. On 16 January 1995 the Government replied that neither José Antonio Belo nor the other 24 demonstrators had been detained, but that they had been taken to the police office only for questioning and had left the office on the same day. Before, during and after questioning they were never beaten, tortured or ill-treated. (A subsequent report received from the source of the allegation alleges that José Antonio Belo was in fact tortured and beaten by security officers to the point of losing consciousness. He was allegedly tied up and hung upside down overnight and then beaten with sticks, wires or rifle butts. He was sentenced by the Dili District Court on 8 May 1995 to 18 months' imprisonment on charges of "expressing hostility to the Government".)

357. Soniman Lafau (also spelled "Lafao" or "Lanfau"), Deputy Chairman of the Medan branch of the SBSI trade union, was reportedly detained in Medan on 7 February 1995 and was being held in the "KORAMIL" (Military District Command) in Medan. He had allegedly been tortured during a previous detention (8 February 1995).

358. Antonio Miguel Escurial Soares and Ricky Valmero were among 15 persons reportedly arrested by police and military forces in Dili. Some of these persons were said to have been detained in connection with attempts to set up vigilante groups to counter attacks by the so-called Ninja gangs. Antonio Miguel Escurial Soares was reportedly arrested in the village of Santa Cruz in Dili by the SGI on 18 January 1995 and subsequently was

transferred to police custody in Mascarenhas, Dili. Ricky Valmero, also reportedly held in police custody, is alleged to have been tortured (2 March 1995).

359. Remigio Levi da Costa Tilman and Pedro Nunes Sabalae were reportedly arrested on 30 June 1995 in Dili on apparent suspicion of involvement in pro-independence activities. They were said to be held in the headquarters of SGI of the Subregional Military Command for East Timor in the Colmera district of Dili (4 July 1995).

360. Between 50 and 100 persons were reportedly detained by police and military officers in Dili since rioting broke out on 8 September 1995. It was reported that while some of the detainees might have been released, a number of others were continuing to be held in unknown places of detention (12 September 1995).

361. On 20 September 1995 the Government replied that violent demonstrations had broken out in Dili following two incidents of religious intolerance, one in which a warden at the Maliana correctional institution reportedly made an offensive remark against Catholicism and another involving protests against the marriage of a Protestant and a Catholic in Uatolari, Viqueque. The police had arrested 80 persons suspected of involvement in arson attacks in the city and in this connection 18 persons would be brought to court. Those detained had not been held in unknown places of detention and were not subjected to torture or ill-treatment.

Iran (Islamic Republic of)

Information transmitted to the Government

362. By letter dated 23 October 1995 the Special Rapporteur advised the Government that he had received information according to which persons detained for political reasons were often held incommunicado, sometimes for years, and were almost always denied access to lawyers. The procedures under which such persons were detained and tried typically went unpublicized, but many detainees were said to be held without charge or trials. Most such detainees had allegedly been tortured and a number had been denied access to medical care.

363. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

Urgent appeals

364. On 2 March 1995 the Special Rapporteur sent an urgent appeal on behalf of opposition activists Mollah Ahmad Khezri and Majid Sulduzi, who were reportedly being held without charge or trial at Orumiyeh prison. They were said to have been previously living in exile in Iraqi Kurdistan, since fleeing Iran in 1992.

365. On 24 November 1995 the Special Rapporteur transmitted an urgent appeal concerning a number of followers of Grand Ayatollah Shirazi, who were reportedly arrested without warrants by members of the security forces from their homes in Tehran and Qom on the night of 11 November 1995. They were identified as Hojjatoleslam val muslimin Mohammad Taqi al-Dhakeri, Hojjatoleslam val muslimin 'Abdolrahman al-Ha'eri, Hojjatoleslam val muslimin Sayed 'Abdolrasul al-Musawi, Hojjatoleslam Taleb al-Salehi, Hojjatoleslam Mohammad Fazel Mohammad al-Saffar, Hojjatoleslam Mohammad 'Ali Ma'ash, Sighatoleslam Fu'ad Fujian, Mohammad al-Ghaffari, Hadi al-Akhound al-Dhakeri and Iyad Fujian. During the course of the arrests, some relatives of the above-named persons were allegedly beaten, including the wife of Sheikh Muhammad al-Saffar, who reportedly had her hand broken, and the son of Sheikh Muhammad Ali Ma'ash, who reportedly sustained an eye injury from a gun butt. They were both said to have been hospitalized. In addition, a number of students from the Imam Hussein religious school in Qom were reportedly arrested on 12 November 1995 and at least seven remained detained. Finally, Hojjatoleslam val muslimin Sayed Morteza Shirazi, the son of Grand Ayatollah Shirazi, was reportedly arrested in Qom on 21 November 1995.

Iraq

Information transmitted to the Government and replies received

366. By letter dated 11 April 1995 the Special Rapporteur advised the Government that he had received information concerning the enactment by the Revolutionary Command Council of a number of criminal penalties involving physical mutilation, including the amputation of the hands, feet and ears and the branding of marks on the forehead. Several thousand offenders were said to have had such punishment carried out against them. It was reported that persons sentenced to receive a tattoo had instead had marks branded upon them with hot instruments.

367. Decree No. 59 of 4 June 1994 provides for the amputation of the right hand from the wrist for certain acts of theft. The left foot is to be amputated from the ankle for a repeated offence. The Minister of Trade reportedly pronounced the decree applicable to bakers contravening a regulation concerning the production of bread. Decree No. 92 of 21 July 1994 prescribes life imprisonment or amputation of the right hand for the falsification of an official document if such falsification leads to the achievement of an illicit benefit or deprives another person of the enjoyment of rights. Decree No. 109 of 18 August 1994 provides for the application of a tattoo of 1 centimetre in length and 1 millimetre in width between the eyebrows of every person who has been amputated for an offence punishable by amputation of the hand. Decree No. 115 of 25 August 1994 mandates that the amputation of an ear for any persons evading or deserting from military service or persons who shelter or protect any persons evading or deserting. In addition, a mark of 3 to 5 centimetres in length and 1 millimetre in width is to be branded onto the forehead of persons who have had an ear cut off. Decree No. 117 of 25 August 1994 prescribes that anyone who removes or helps to remove the tattoo placed pursuant to the above-mentioned decree or carries out cosmetic surgery of the amputated hand or ear shall be punished by amputation of the hand or ear together with a tattoo.

368. The Special Rapporteur informed the Government of reports he had received of individual cases where the amputations had been carried out. These cases are summarized in the following paragraphs.

369. Ali Ubaid Abed Ali reportedly had his right hand amputated and an "X" mark branded onto his forehead for allegedly stealing a television and a small sum of money from a relative. A television news programme in Iraq reportedly displayed his severed hand and showed him recovering from the operation in a hospital in Diyala province.

370. Hassan Abdullah Hussein, an army deserter arrested in Kirkuk by members of the ruling Ba'ath Party, had the upper part of one ear amputated. It was reported that only a part of the ear was amputated because a number of previous amputees had died from severe infection after having the whole ear removed.

371. Mohammad Hassan and Salam Al-Alibany, both from Almajidia district, were among 15 alleged deserters who reportedly had their ears amputated in Saddam hospital, Amarah city on 24 August 1994. They were said to be subsequently detained in Al Islah prison in Al-Diwaniah city.

372. Ismail Gabbar Al Asadi, from Al-Chibayish township, near Nasiriyah city, reportedly died on 1 September 1994 as a result of having his ear amputated in an Nasiriyah hospital.

373. Hassan Ali Khadhim and Khaz'al Abid Mansour, both from Altar district, Nasiriyah city, reportedly died from head and chest inflammation 10 days after having their ears amputated in August 1994 at the military hospital in Nasiriyah city.

374. Mon'im Hammed Ajmi, from Al-Earay Ward, Amarah city, was reportedly arrested on 8 September 1994. He was accused of army desertion and his ear was amputated at a hospital in Amarah city.

375. Ahmad Karim was one of a number of alleged army deserters arrested and subjected to ear amputation in Basrah city in early October 1994.

376. A series of arrests and amputations was reportedly conducted on 28 October 1994 in Garmat-Ali, Al-Basrah city. Anwar Abdullah, from Al-Jumoria ward, was said to have been one of the persons who were subjected to amputation.

377. Sahid Sayyed Ali was among 11 accused army deserters and residents of the Akaika quarter of Nasiriyah who were reportedly arrested and subjected to ear amputation in early September 1994.

378. Nazar Salman Minawi, from Al-Thawrah township, Baghdad, reportedly had his ears amputated in early August 1994. Mahommad Sigar also had his ear amputated in early August 1994.

379. The Special Rapporteur further indicated that he had received information according to which doctors were often forced to carry out amputation or branding without anaesthesia. Doctors refusing to perform such mutilation

were allegedly targeted for punishment. Toufiq Abdullah Khalid, a surgeon at Ba'Qubah hospital, Diyala province, was reportedly executed on 10 September 1994 for refusing to amputate a hand and for confronting officials of the Ba'ath Party in regard to the issue. Dr. General Ihassan, from Basrah military hospital, Basrah province, was reportedly executed on 27 October 1994, also for refusal to amputate. Doctors Yahya al-Khafaji, Rabie al-Hadi, and Ali Issam, from Saddam hospital in Nasiriyah, were reportedly arrested in late August 1994 for failing to carry out amputations. Dr. Salih Mohammad, from the general hospital of Al-Mosul/Ninawa province, was reportedly arrested on 10 October 1994, also for refusing to carry out amputations. Finally, Abbas Qalander and Nahreen Yousif, both doctors from Baghdad, were said to have been detained after they had disobeyed orders to perform the ear-cutting operation.

380. In the same letter, the Special Rapporteur also advised the Government of cases he had received of reported execution of members of the political opposition. In each case, when family members received the bodies of the alleged victims, they reportedly observed marks of torture, including gouging out of the eyes. Mohammed Ayyob Aldelaimee was reportedly arrested in Mosul on 14 January 1993 and his body was returned to his family in August 1994. Weleed Shaker Mahmood Alubaidi was reportedly arrested in Baghdad on January 1993 and his body was returned to his family in August 1994. Ma'an Wheyeb was reportedly arrested in 1975, imprisoned in Abu Ghraib prison near Baghdad, transferred to an unknown detention centre on 19 November 1993, and allegedly interrogated by Saddam Kamil, the son-in-law of President Saddam Hussein. His body was returned to his family in the last week of August 1994. Hamid Abid Altaiee was reportedly arrested in Mosul on 15 January 1993 and his body was returned to the family in August 1994. Zuhair Hussein Alhaialee was reportedly arrested in Mosul on 15 January 1993 and his body was returned to his family in 1994. The body of Mohammed Abid Altaiee was returned to his family in the first week of September 1994. Emtasher Mahdi Alwan Al-Mansouri was reportedly arrested at the Directorate of Military Manufacturing in Basrah and his body was returned to his family in 1994.

381. By letter dated 31 July 1995 the Government provided a reply to the Special Rapporteur with respect to the issue of amputation. The penalty of amputation of the hand or the ear and tattooing, which is imposed on thieves and evaders of military service, could not be viewed in isolation from the general situation in Iraq, including the devastating effects on all aspects of life caused by the economic embargo. Theft and armed robbery gravely threatened the security, property and lives of citizens. In these circumstances, which needed to be viewed in the social context of Iraq, the penalties were needed as a deterrent. The amputation of the hand for theft was permissible under Islamic Shari'a, which constitutes one of the sources in the Iraqi legal system. The penalty had been applied only in situations of extreme necessity and in a limited number of cases. The measure was provisional and linked to the current situation. The purpose of tattooing was to distinguish criminals from persons who were mutilated in the recent war. There had also been a substantial reduction in the number of offences to which the penalties applied.

382. The allegations concerning the imprisonment of medical practitioners who refused to implement the decrees were unfounded and false. There was no record of the existence of a Dr. Tawfiq Abdullah Khalid in any governate. Dr. Yahya al-Khafaji and Dr. Rabi'Abdul Hadi were working for the Department of Health in the governate of Dhi Qar at Saddam public hospital and carrying out their duties in a normal manner. Dr. Abbas Qalander was head of the Dental Section of the Department of Health in the governate of Neineva. There was no physician in Baghdad practising under the name Dr. Nahrain Youssuf. Dr. Salih Muhammad was a recently graduated physician who was performing compulsory military service.

383. The Government sent a further communication on 15 September 1995 to which was attached five letters signed by doctors - Dr. Abbas Kalander Shahban, Dr. Abbas Kalander Ahmed, Dr. Yahya Hadi Ayod, Dr. Rabee Abdul Hadi Faroun and Dr. Shaleh Mohammad Ahmed al-Sharabi - stating that they had not been subjected to any form of harassment or pressure by the authorities or their agents and that they practised their medical professions and enjoyed a normal life with their families.

Israel

Information transmitted to the Government

384. By letter dated 14 July 1995 the Special Rapporteur advised the Government that he had continued to receive information according to which Palestinians undergoing interrogation by the General Security Service (GSS or Shin Bet) are often subjected to torture or ill-treatment. The methods of torture reported include: beatings all over the body, sometimes with cables; hooding, sometimes with dirty and wet sacks which interfere with respiration; prolonged standing or sitting in painful and contorted positions (shabeh); sleep deprivation; confinement in closet-shaped rooms (kahzana); food deprivation; threats of disablement; and continuous subjection to loud music.

385. Israeli Criminal Procedure Law permits persons charged with State security offences to be held incommunicado for up to 30 days, the first 15 of which may be kept secret. Such periods of incommunicado detention create conditions which facilitate the practice of torture. Military orders applying to the Occupied Territories were said to permit detention without judicial review for up to 11 days and denial of access to a lawyer for a total of 90 days on security grounds.

386. The Landau Commission guidelines sanctioning "the exertion of a moderate measure of physical pressure" were allegedly applied in a way so as to allow for torture and ill-treatment. Because the guidelines are secret, it was impossible to assess the extent to which the above-mentioned practices were consistent with or a departure from them. The ministerial committee which meets monthly to review the guidelines was said to have allowed for the increased use of physical pressure in the aftermath of the October 1994 suicide bombing in Tel Aviv.

387. The Special Rapporteur also sent the cases of alleged torture summarized in the following paragraphs.

388. Muhammad Ya'qub 'Abd al-Qader a-Nubani, detained on 22 April 1993 and held at the GSS interrogation wing of the military government headquarters in Ramallah, was allegedly beaten severely on his head, chest and back and forced to sit for prolonged periods in a small chair with his hands and feet bound and the chair bolted to the floor. He was permitted only one hour of sleep every 80 hours.

389. 'Abd a-Nasser 'Ali 'Issa 'Ubeid, arrested on 30 August 1993, was allegedly subjected to various forms of ill-treatment by the GSS during 16 days' detention at the Russian Compound in Jerusalem, including prolonged standing, sleep deprivation, and threats to his life. At one point he was placed in a cell with Palestinian "collaborators", who allegedly beat him, sexually assaulted him and burned his arms with cigarettes. He was released on 15 September 1993.

390. 'Abd a-Nasser Isma'il Hussein al-Qaysi, a student at Bir Zeit University, was reportedly arrested on 10 August 1994 and held without charge for 51 days at the GSS interrogation facility in Ramallah. During the course of interrogation he was allegedly seated for prolonged periods in a small chair bolted to the ground with his hands tied in a painful position, deprived of sleep and food and beaten severely in the chest. He was also kept in a variety of contorted positions, including being hooded and tied to a pipe with his hands behind the pipe and the palms of his hands facing outward. He suffered medical difficulties and lost 10 kilogrammes during his ordeal.

391. Amjad Zeghayer, reportedly detained on 12 August 1994 and held at the Russian Compound for 24 days without charge, was allegedly kept tied to a small chair with his head covered with a sack for 15 days and was deprived of sleep. The chair was tilted to prevent him from leaning backwards and to force him to keep sliding off. While he was seated, his handcuffs were affixed to a pipe on the wall.

392. Hamed As'ad Hamed al-Kuni, a 17-year-old high school student, was reportedly arrested on 24 October 1994 on suspicion of involvement with Hamas. At the interrogation wing of Nablus prison he was allegedly kept hooded and in a painful position on a low chair with his hands and legs tied for 120 hours. On 23 November, while being led from court to jail, he was reportedly beaten severely, causing nerve swelling on his back and a 21-day paralysis of his left leg. He was also allegedly beaten continuously on his testicles and penis, causing swelling to his testicles which lasted for more than a month and a half. In addition, his interrogators prevented him from using the toilet and hit him in the head with fists, which caused swelling and severe pain. He was served with a six-month administrative detention order on the grounds that he was a Hamas activist and was transferred to Ketziot camp.

393. Ziyadah al-Qawasma was reportedly arrested on 13 November 1994 and his detention was extended to 28 March 1995. In Ramallah prison he was allegedly deprived of sleep for periods of up to six days a week, much of which was spent sitting on a small chair in a painful position.

394. Abed el-Samed Harizat, arrested on 22 April 1995, was placed in the Russian Compound in Jerusalem with five Palestinian "collaborators", who were reportedly given a "green light" by the GSS to apply heavy physical pressure.

In the cell he was allegedly beaten severely and his body and head were struck against a wall. He died in detention on 27 April 1995. An autopsy, conducted by a team which included an independent pathologist, revealed that he had died of injuries to his head occurring while in detention.

395. The Special Rapporteur also informed the Government that he had received new information in the case of Ahmad Ibrahim Sa'id, on whose behalf an urgent appeal had been transmitted on 17 November 1994. In that appeal, the Special Rapporteur had indicated that Ahmad Ibrahim Sa'id, during his detention in Ramallah and Ashkelon prisons, had allegedly been hooded, beaten, shackled in painful positions for prolonged periods, deprived of sleep, forced to stand for up to 18 to 20 hours per day and forced to sit on a chair in an uncomfortable position with his hands tied while interrogators pushed him in an attempt to make him fall. He was also said to have been threatened that he would be paralyzed and unable to have children following his interrogation. The source of this information reaffirmed this account and added that Ahmad Ibrahim Sa'id had been brought to trial on 22 November 1994, charged with illegal possession and transfer of a revolver and passing messages for Hamas. He was sentenced to 30 months' imprisonment, 23 of which were suspended, and was released on 12 January 1995.

Urgent appeals sent and replies received

396. On 31 March 1995 the Special Rapporteur sent an appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Arbitrary Detention concerning the situation of prisoners held at the Al-Khyam prison, in the Marjouyun region of south Lebanon, territory reported to be controlled by the Israeli Defence Forces. Approximately 260 persons had been detained in the prison for a number of years without being charged or sentenced by any court and without notification of the reasons of their detention. Lawyers and humanitarian organizations were allegedly refused permission to visit them and family visits had been authorized only since 31 January 1995. Many of the prisoners were said to suffer from serious diseases as a result of harsh living conditions, subjection to torture and ill-treatment and denial of medical care. Others had allegedly died in the prison or shortly after being released, such as Selim Awada and Ali Al-Ghoul, who died in September and December 1994, respectively.

397. On 30 May 1995 the Government replied that Khiam prison had always been and remained solely under control of the South Lebanon Army (SLA) and that therefore all inquiries concerning the prison should be addressed to them.

398. The Special Rapporteur sent an urgent appeal on 25 April 1995 on behalf of Khaled Farraj, from Jalazun Refugee Camp near Ramallah, who was reportedly arrested on 21 March 1995 and had since been under interrogation by the GSS at both Ramallah prison and the Russian Compound in Jerusalem. He allegedly was hooded, deprived of sleep, except for three to four hours of sleep every four to five days, tied with hosing to a chair with uneven legs for prolonged periods and subjected to cold temperatures. He was told that his interrogation would continue until a confession was obtained.

399. On 20 September 1995 the Government replied that Khaled Farraj had been released on 16 May 1995 after investigations had been completed. Because of complaints of maltreatment, an investigator from the Ministry of Justice questioned the persons who had interrogated him. According to those interrogators, Khaled Farraj had stated to them that he suffered from asthma and was thus given special consideration during the course of the investigation. He was under continuous medical supervision and his health was found to be satisfactory. Khaled Farraj had failed to respond to requests to meet with the investigator. It is difficult adequately to investigate any allegation of wrongdoing if the detainee making the complaints refuses to give his version of events. The findings of the Ministry of Justice did not indicate any basis upon which action should be taken against those involved in his interrogation.

400. On 23 October the Special Rapporteur sent an urgent appeal concerning proposed legislation drafted by a special interministerial committee, which was reportedly about to come before the Israeli Parliament (Knesset). The purpose of the legislation was to incorporate the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into the domestic law of Israel. According to an unofficial translation of the text, torture was to be defined in the bill as "severe pain or suffering, whether physical or mental, except for pain or suffering inherent in interrogation procedures or punishment according to law". While noting with satisfaction that the Government was taking measures towards the incorporation of the Convention against Torture into its national law, the Special Rapporteur expressed serious concern that the effect of the bill would be to legalize practices that are irreconcilable with the purposes of the Convention (to prohibit, prevent and punish both the crime of torture and other cruel, inhuman or degrading treatment or punishment). Neither the International Covenant on Civil and Political Rights nor the Convention against Torture allow for any derogation from the proscription against the use of torture or other cruel, inhuman or degrading treatment or punishment and it was difficult to conceive of acts which carry severe pain or suffering that would not amount to torture or prohibited cruel, inhuman or degrading treatment or punishment. Since most torture in most countries takes place during interrogation and given the realities of the Landau principles and the seriousness of the allegations received of ill-treatment of detainees often amounting to torture, it seemed that the exception in the proposed bill was precisely calculated to provide for the law to define torture, so as to permit rather than to prohibit it. The Special Rapporteur appealed to the Government to refrain from adopting legislation that authorizes agents of the Government to use torture under any circumstance and urged that the proposed legislation be reformulated to reflect unambiguously the principle of the non-derogability of the prohibition against torture.

401. On 5 November 1995 the Government informed the Special Rapporteur that the proposed amendment to the Penal Law was a proposal for a draft and would have to undergo various stages of the legislative process before it could be tabled at the Knesset in the form of a bill. Internal discussions were under way with regard to the proposal and the points raised by the Special Rapporteur would be addressed in the framework of those discussions. The tendency would be to ensure that the provisions would conform to the Convention against Torture.

Italy

Information transmitted to the Government and replies received

402. By letter dated 29 May 1995 the Special Rapporteur transmitted to the Government three individual cases of alleged torture and on 7 August 1995 the Government sent replies to those allegations. The allegations and the replies are summarized in the following paragraphs.

403. Naser Hasani, a Rom from ex-Yugoslavia who had been stopped by three police officers in June 1994 while driving in Florence, was accused by the officers of using a hammer discovered in his car to carry out robberies. The officers asked him to follow their car to the police station. He followed and was led to a park where the officers allegedly kicked him, struck him with the hammer and subjected him to racial insults. He was treated at a local hospital and issued a medical certificate recording multiple cuts and bruises. The Government replied that, according to the police account, Nasser Hasani was released on the way to the police station and no violence had been used against him. A forensic doctor confirmed that there was a total lack of bruises or other signs that could be related to the alleged ill-treatment.

404. Khaled Kabouti, a Moroccan immigrant, was reportedly ordered by an officer of the carabinieri in August 1994 to throw away a drug syringe with which he was poised to inject himself at an underpass in Milan. He complied with the order, but the officer allegedly kicked him in the stomach, knocking him down, and kicked him again when he tried to stand up. Thereafter he underwent an emergency operation at a Milan hospital to remove his spleen. The Government replied that a fight had in fact occurred between Khaled Kabouti and a carabiniere, who had tried to stop him from injecting himself with drugs, but that Khaled Kabouti had attacked the carabiniere and thrown him to the floor. This was witnessed by another carabiniere. After he had been admitted to hospital, Khaled Kabouti alleged that he had been kicked in the stomach by the carabiniere. Consequently, the territorial command of the carabinieri passed the case to the public prosecutor. A judicial inquiry against the carbiniere on the charge of causing serious injuries was ongoing at the Milan criminal court.

405. Salvatore Franco was one of a number of persons reportedly ill-treated by police during a demonstration by students in Naples on 14 November 1994. He was allegedly thrown into the air by a police car driven at high speed into a crowd of demonstrators. He was then allegedly dragged to a nearby police station and subjected to blows, particularly to his leg which was injured in the collision. Hospital records revealed a triple fracture of his left leg, multiple bruising to his abdomen and suspected internal injuries. The Government replied that the Chamber of Deputies had been seized of this case on 14 November 1994 and the Minister of the Interior had reported that a police car had run over Salvatore Franco while trying to escape from the attack of the demonstrators to avoid crashing into some rubbish containers. Two deputies who had witnessed the scene gave a different version, reporting that a police car had driven into the crowd of demonstrators. A criminal proceeding was then filed before the Tribunal of Naples.

406. The Special Rapporteur also informed the Government of continued concerns expressed by the sources of information in the case of Carmelo La Rosa, who was allegedly beaten severely by prison guards at Gazzi prison and on the night of 24-25 June 1992 was found hanging in his cell. In a communication of 14 November 1994, the Government had informed the Special Rapporteur that the forensic examination ordered by the Messina preliminary hearing judge "unequivocally concluded that La Rosa's death by hanging was due to suicide". The source of the allegations noted that the allegations of ill-treatment against Carmelo La Rosa in the days preceding his death had not been addressed. In particular, the source indicated that a note by the President of the Messina Appeal Court stated that Carmelo La Rosa "shows on his shoulders and chest clear signs of blows from a blunt instrument which the accused claims to be a truncheon blow". In addition, the Court was said to have ordered that a copy of its record be passed immediately to the public prosecutor so that an order could be issued for an immediate medical examination at Gazzi prison clinic. The public prosecutor reportedly failed to order such an examination.

Information received from the Government with respect to cases mentioned in previous reports

407. In its letter of 7 August 1995 the Government provided to the Special Rapporteur information on subsequent developments in cases to which it had initially replied on 14 November 1994. These replies are summarized in the paragraphs below.

408. The Court of Assizes on 26 January 1995 acquitted two Turin policemen of manslaughter charges, according to which they were alleged to have kicked Antonio Morabito, causing fatal intestinal haemorrhage. The Court concluded that they had resorted to lawful use of physical coercion. An appeal against the decision was filed by the deceased's relatives.

409. In the case of Creaute Arsenie, who was allegedly ill-treated by police in Milan, a criminal proceeding was opened against unknown persons on 19 May 1995. The case was placed on file for preliminary investigations.

410. As to allegations of ill-treatment in Secondigliano penitentiary in Naples, the public prosecutor's office had opened a criminal proceeding against 65 officers belonging to the penitentiary police corps. The first hearing in this proceeding was scheduled for 5 November 1995.

Jamaica

Information transmitted to the Government

411. By letter dated 10 July 1995 the Special Rapporteur advised the Government that he had received information indicating that children as young as 9 and 10 years old were held in police lock-ups, including Halfway Tree and Central lock-ups in Kingston, for long periods, sometimes in the same cells as adults. At the time of arrest and while detained in lock-ups, some children were allegedly subjected to physical and/or mental abuse during interrogation and were beaten and/or placed in dark cells, often in solitary confinement, as methods of discipline.

412. Children are reportedly held in cells for up to 24 hours a day without adequate diet, bedding or sanitary facilities, recreation or any other activities. It was also reported that at the above-mentioned lock-ups the cells are overcrowded; that children are forced to defecate into waste buckets that often overflow in their cells; that sewage systems outside the cells are inoperative; that children have to sleep on wet floors without any form of bedding; and that insect and vermin infestation is rampant. In addition, children were said to have little or no access to legal aid and social assistance while in the lock-ups and those injured or otherwise suffering ill-health appeared to be denied prompt medical attention.

Japan

Information received from the Government with respect to cases transmitted in previous reports

413. By letter dated 13 December 1994 the Special Rapporteur made a request to the Government to reconsider its decision to refrain from commenting on the case of Youichi Isoe, who has reportedly been held in solitary confinement since September 1982 in the Asahikawa prison in Hokkaido. The Special Rapporteur had initially transmitted the case to the Government on 10 October 1994. On 25 January 1995 the Government replied that it always aimed to determine the best way to treat prisoners, based on the results of "scientific classification researches" of individual prisoners as to their mental and physical condition, their personal histories and their behaviour. In the case of Youichi Isoe, his behaviour had demonstrated that he did not have the will to associate with other inmates and that he lacked the ability to adjust himself to group treatment. He behaved in a manner hostile to prison authority, declared that he would be released from prison only by violent attack by his comrades of "the anti-establishment group", and refused to talk in interviews with prison staff who had advised him to work in the in-house factory. Accordingly, he is held in solitary confinement, which is lawful under Japan's Prison Law and Regulation. He has always been treated fairly and has never been subjected to torture in prison.

Kenya

Information transmitted to the Government and replies received

414. By letter dated 18 September 1995 the Special Rapporteur advised the Government that he had received information indicating that the use of torture by police to obtain "confessions" was almost systematic. The methods of torture reported include: beatings and whippings on different parts of the body, especially the feet; suspension in a contorted position, accompanied by beatings; submersion in water; rape; genital abuse, including by insertion of objects into the vagina and pulling the penis or pricking it with pins.

415. Police officials reportedly often refuse to bring torture victims to hospital for medical treatment. When such victims are taken to hospital, they are allegedly kept chained to their beds. Persons so hospitalized were said to be treated usually by government doctors who are under pressure to downplay the nature of a victim's injury or to falsify death certificates and

post-mortem reports. Some doctors who have criticized the police were said to have suffered adverse repercussions, including loss of job or government housing or transferral to another post.

416. Women were reported to be particularly vulnerable to torture or ill-treatment. Cases of rape by the police or security forces allegedly often go uninvestigated or are inadequately investigated. Prosecutions of officials for rape were said to be rare and any punishment was limited to dismissal or transfer to another post. Women in police custody were sometimes placed in the same cell as men, rendering them potential targets of sexual abuse by male detainees.

417. In a reply dated 28 November 1995 the Government stated that it categorically denied that torture was systematically used by police to obtain confessions from persons under arrest, persons in police custody or persons facing criminal charges. The Constitution of Kenya explicitly forbade torture, confessions obtained thereby were excluded from evidence in criminal trials and a right of redress by way of a direct petition to the High Court of Kenya was available to alleged victims. These considerations served as a deterrent against the use of torture by law enforcement officers, who were also forbidden by police law and regulations from subjecting suspects to torture. Contrary to the allegation, women in police custody were placed in separate cells from those of men.

418. In his above-mentioned letter, the Special Rapporteur also informed the Government that he had received allegations of torture in the individual cases described in the following paragraphs. The Government responded to one case, that of Richard Leakey and Njeri Kabeberi, and indicated that replies to the other cases would be forthcoming.

419. Rosemary Nyambura reportedly followed some police officers to Ruraka police station in Nairobi in the early morning of 10 May 1992 after they had searched and taken money from her. She was allegedly beaten to death by up to seven officers. The police contended that she had committed suicide, but a post-mortem report revealed that her death was due to ruptured kidneys and spleen. Although an investigation began one year later, it was reported that no police officer had been charged in connection with the incident.

420. Florence Muthoni, aged 16, was reportedly arrested in August 1992 under accusation of theft from her employer. At Buru-Buru police station in Nairobi she was allegedly burned and tied up with a rope and a stick was forced into her vagina. She was hospitalized with a variety of injuries, including vaginal bleeding, facial swelling, a bruised back and bruised thighs and burnt fingernails. Although two officers were charged with causing grievous bodily harm, they were released on bond and have remained on active duty. The case has reportedly not come to trial, three years after the incident.

421. Joyce Njeri was one of five women reportedly abducted and raped by two or three General Services Unit (GSU) officers in the Maela camp for displaced Kikuyu persons from Enosupukia in Narok district. She sustained an injury to her womb, which did not heal, and died after undergoing an operation. The incident was said to be only one of a number of rapes and sexual assaults committed by security personnel in the camps in the area. The abuses were

reported to have ceased several months after they were reported to the Nakuru district officer. However, it was believed that no investigations or prosecutions were carried out in connection with these incidents.

422. Truphena Obwaka Shirako was arrested in January 1994 under accusation of theft from her employer and allegedly tortured by four policemen at Langas police station, Uasin Gishu district. Her ordeal was said to include beatings, insertion of a bottle into her vagina, and insertion of an officer's hand into her vagina to search for money. As a consequence of her treatment, she suffered serious injuries and was hospitalized. The trial of two officers charged in connection with the incident with "indecent assault and assault causing actual bodily harm" began in late 1994, but had been adjourned repeatedly.

423. Richard Leakey, founder of the Safina political party, and Njeri Kabeberi, were among a number of Safina supporters reportedly assaulted by Special Branch officers dressed in plain-clothes outside of Nakuru magistrate's court on 10 August 1995. The officers allegedly threw stones and eggs at these persons and then singled out Richard Leakey for a severe beating. Provincial police officers (CID) were said to have threatened to shoot onlookers if they tried to intervene.

424. The Government replied that the allegation that the assault on Richard Leakey and Njeri Kabeberi was perpetrated by Special Branch officers was unfounded. The assault had been carried out by unruly criminal elements, a number of whom were arrested soon thereafter and charged with the offence. The case was before a competent court.

425. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

Latvia

Information transmitted to the Government

426. By letter dated 23 October 1995 the Special Rapporteur advised the Government that he had received information according to which a hunger strike staged by 140 asylum-seekers detained at Olaine prison had been broken up violently on 1 September 1995 by the Mobile Police Force. Members of the police allegedly beat some prisoners severely. Access to the prison was reportedly denied to outside persons until 6 September, when two clergymen were allowed into the prison. They were said to have observed marks of ill-treatment on many detainees, including children and the elderly.

Libyan Arab Jamahiriya

Urgent appeals transmitted

427. On 12 September 1995 the Special Rapporteur sent an urgent appeal concerning dozens of Islamists who were reportedly arrested beginning 6 September 1995 in Benghazi and other coastal areas, including Darna,

Tubruq and al-Baydha in eastern Libya. The mass arrests were carried out in the aftermath of violent clashes between members of the security forces and armed Islamist groups in Benghazi on 6 September.

Mauritania

Appels urgents et réponses reçues

428. Le 31 janvier 1995, le Rapporteur spécial a envoyé un appel urgent au gouvernement en faveur de Ahmed Ould Daddah, secrétaire général de l'Union des forces démocratiques (UFD); Hamdi Ould Mouknass, président de l'Union pour la démocratie et le progrès (UDP); Mohamed El Moustapha Ould Bedreddine, deuxième secrétaire général adjoint de l'UFD; Ahmed Ould Lafdal et Diagana Chouaibou, membres du Bureau exécutif de l'UFD; et Sy Ibrahima, vice-président de l'UDP. Selon les renseignements reçus, ces personnes avaient été arrêtées le 23 janvier 1995, au lendemain des manifestations qui auraient eu lieu à Nouakchott et d'autres villes du pays pendant le week-end des 21 et 22 janvier. Elles seraient gardées au secret dans un lieu de détention inconnu.

429. Le 27 octobre 1995, le Rapporteur spécial a envoyé un autre appel urgent concernant cette fois ci Memed Ould Ahmed, conseiller présidentiel; Mohamed Yehdih Ould Breidelil, secrétaire général de l'Assemblée nationale; Mohamed Ouid Hamady, ancien directeur général de la télévision nationale; Abdellahi Ould Mohamedou, directeur général de la radio nationale; Hamada Ould Beddy, syndicaliste; et Mohamed Ould Bowba, éditeur en chef du journal *Akhbar El Ousbou*. Selon les informations reçues, ces personnes faisaient partie d'un groupe de plus de 50 personnes qui auraient été arrêtées depuis le 24 octobre 1995 à Nouakchott et d'autres villes du pays. Elles seraient accusées de faire partie d'un réseau qui fournirait des informations confidentielles à un gouvernement étranger. Elles seraient détenues au secret, sans contact avec leurs familles ou leurs avocats, dans plusieurs lieux de détention, y compris la caserne de Jereida et l'Ecole de police. Le 7 novembre 1995, le gouvernement a répondu que ces personnes étaient interrogées dans le cadre d'une enquête judiciaire avec le respect total de la procédure et sans pression ni torture.

Mexico

Información transmitida al Gobierno y respuestas recibidas

430. Por carta de 12 de abril de 1995, el Relator Especial comunicó al Gobierno que había recibido información según la cual la tortura continúa utilizándose ampliamente en el marco de investigaciones judiciales con el objeto de intimidar a los detenidos y de obtener confesiones que posteriormente son utilizadas como prueba. Ello a pesar de las enmiendas introducidas en 1992 en la Ley federal para prevenir y sancionar la tortura, en el sentido de aumentar las penas para los culpables de tales prácticas. Los casos que se mencionan en los párrafos siguientes fueron transmitidos.

431. Demetrio Ernesto Hernández Rojas fue detenido el 19 de octubre de 1994 en ciudad Netzahualcóyotl, Estado de México, por miembros de la Coordinación Nacional de Seguridad Pública. Trasladado a un lugar que no pudo identificar,

habría sido sometido a golpes, intentos de asfixia, corriente eléctrica, le habrían introducido soda con chile por la nariz y le habrían colgado en varias ocasiones de los dedos pulgares. El propósito de la tortura parecería ser obligarle a firmar una declaración autoinculpándose de estar preparando comandos armados en la Ciudad de México.

432. María Gloria Guevara Niebla, Ricardo Hernández López, Hilario Martínez Hernández, Martín Trujillo Barajas, Luis Sánchez Navarrete, Alvaro Castillo Granados, Hermelinda García Zapahua y Rosa Hernández Hernández fueron detenidos en febrero de 1995 y posteriormente trasladados al Reclusorio Norte de la Ciudad de México. Una delegación de miembros del Congreso que los visitó en prisión declaró que los prisioneros manifestaron haber sido sometidos a tortura por la policía (en particular golpes, intentos de asfixia y corriente eléctrica) para obligarlos a hacer confesiones y que la mayoría tenían señales de tortura.

433. Gonzalo Sánchez Navarrete, Patricia Jiménez Sánchez, Cecilia Martínez Guerrero, Ofelia Hernández Hernández, Brenda Rodríguez Acosta y Joel Martínez González fueron detenidos por elementos de la Policía Judicial Federal el 10 de febrero de 1994 con ocasión de un enfrentamiento armado entre campesinos y policía en Cacalomacán, Estado de México. Todos ellos, presuntos miembros del Ejército Zapatista de Liberación Nacional, habrían sido brutalmente torturados.

434. Alfredo Jiménez Santís y Mario Alvarez López, miembros de la comunidad indígena Tojolabal, fueron detenidos el 9 de febrero de 1995 y trasladados a un recinto militar en Tuxtla Gutiérrez, Chiapas, donde habrían sido sometidos a golpes, descargas eléctricas e intentos de asfixia. También habrían sido obligados a firmar unos documentos cuyo contenido no habrían podido leer.

435. Trinidad Pérez Pérez fue detenido el 13 de febrero de 1995 en un control de carretera del ejército situado en las proximidades del Ejido Chiapas. A continuación habría sido golpeado, envuelto en un saco y abandonado en una carretera, no sin antes haber recibido amenazas de muerte.

436. Además, el Relator Especial volvió a transmitir varios casos sobre los cuales el Gobierno no había respondido o lo había hecho de manera insuficiente.

437. En una nueva carta de fecha 10 de julio de 1995, el Relator Especial transmitió los tres casos siguientes, a los cuales el Gobierno respondió el 15 de noviembre de 1995.

438. Mariano Entzin López fue detenido el 10 de febrero de 1995 en el municipio de Altamirano, Jalisco, por elementos del Ejército Federal. Conducido en un vehículo militar rumbo a Altamirano, fue trasladado en helicóptero hasta Tuxtla Gutiérrez el 11 de febrero y luego a la zona militar cerca de esta ciudad. Mientras era sometido a interrogatorio se le habría aplicado corriente eléctrica. El Gobierno informó que esta persona había sido detenida junto con otras tres, sin que en ningún momento se utilizara

violencia en contra de ellas. Al ser puestos a disposición del Ministerio Público Federal se les practicó reconocimiento médico, habiendo éste concluido que los detenidos se encontraban clínicamente sanos y sin datos externos de violencia.

439. Octavio Santiz Burguete fue detenido el 13 de febrero de 1995 en el retén militar cerca del Ejido Chiapas, municipio de Las Margaritas. Los militares le habrían amarrado los pies con un lazo a un carro y jalado unos 50 m. Además, le habrían introducido agua en la nariz y en la boca mientras lo acostaban en el suelo y se paraban en su estómago para que tragara el agua. También le habrían sometido a intentos de ahorcamiento, todo ello mientras lo conminaban a que confesara su vinculación con el ejército zapatista. Al día siguiente fue puesto en libertad. El Gobierno informó que esta persona nunca fue detenida ni mucho menos torturada. En la fecha mencionada se presentó en las instalaciones militares de Comitán para proporcionar información sobre el Ejército Zapatista de Liberación Nacional, grupo al que había pertenecido. Un médico del regimiento de caballería le practicó un reconocimiento al inicio y al final de la entrevista. Concluida ésta efectivos militares le acompañaron a su domicilio.

440. Aniceto Hernández López fue detenido el 22 de febrero de 1995 por miembros del Ejército Federal en su domicilio del Ejido La Unión, municipio de Ocosingo, Chiapas. Trasladado a la escuela de la comunidad, habría sido severamente golpeado, le habrían puesto una bolsa de plástico en la cabeza y habría sufrido simulacros de ejecución. Según se informó, un examen médico dictaminó severos golpes en varias partes del cuerpo. El Gobierno informó que en el marco de la investigación iniciada por la Comisión Nacional de Derechos Humanos, el comandante de las tropas jurisdiccionadas en el municipio de Ocosingo afirmó no haberse producido arbitrariedades en los operativos realizados en los poblados de ese municipio. También afirmó que en ningún momento se había detenido y torturado al Sr. Aniceto Hernández.

441. El Gobierno envió además al Relator Especial un informe de la Comisión Nacional de Derechos Humanos sobre sus acciones en el marco del trastorno interior del Estado de Chiapas en febrero de 1995.

Llamamientos urgentes y respuestas recibidas

442. El Relator Especial transmitió al Gobierno cuatro llamamientos urgentes en favor de las personas que se indican a continuación. Entre paréntesis figura la fecha en que fueron enviados.

443. Jorge Santiago Santiago, Ricardo Hernández López,
Hilario Martínez Hernández, Martín Trujillo Barajas,
Luis Sánchez Navarrete, Alvaro Castillo Granados, Hermelinda García Zapahua,
Rosa Hernández Hernández. Según se informó, Jorge Santiago Santiago fue detenido por miembros de la Policía Judicial en Teopisca, Chiapas, el 20 de febrero de 1995; los demás lo fueron en Yanga, Estado de Veracruz, el 8 de febrero. Todos ellos habrían sido detenidos por su presunta pertenencia al Ejército Zapatista de Liberación Nacional (EZLN) y por su vinculación con arsenales, al parecer pertenecientes a este grupo, que habrían sido encontrados por la policía. Todos ellos se encontrarían en situación de incomunicación (14 de febrero de 1995).

444. En relación con este llamamiento, el Gobierno informó que la Comisión Nacional de Derechos Humanos había efectuado una investigación y concluido que, en la mayoría de los casos, se habían acreditado hechos de tortura. La Comisión recomendó, por consiguiente al Procurador General de Justicia del Estado de Veracruz y al Procurador General de la República iniciar las investigaciones administrativas que correspondieran en contra de agentes de policía involucrados en actos de tortura. Asimismo recomendó iniciar averiguación previa contra agentes del Ministerio Público Federal y el perito médico de la Procuraduría General de la República por omitir dar fe y constar las lesiones de que fueron objeto los detenidos.

445. Alejandro Salas Romero, presuntamente detenido el 9 de febrero de 1995 en la Sierra de Songolica, Estado de Puebla, por 15 individuos armados presuntamente pertenecientes al Ejército; Mariano Encino López y Julio Encino Hernández, presuntamente detenidos por miembros de las fuerzas de seguridad en el Ejido Jalisco, Estado de Chiapas, el 11 de febrero de 1995; Octavio Santiz Burguete, presuntamente detenido el 13 de febrero de 1995 en un control de carretera situado en las proximidades del Ejido Chiapas por miembros del ejército. Todas estas personas se encontrarían en situación de incomunicación, sin que sus familias hubieran sido informadas del lugar preciso de detención (17 de febrero de 1995).

446. El Gobierno informó que representantes de la Comisión Nacional de Derechos Humanos se entrevistaron con los señores Mariano Encino López y Julio Encino Hernández, quienes habrían manifestado no haber sido torturados. El médico adscrito al Centro de Readaptación Social donde se encontraban habría certificado que los ingresados se encontraban sanos. En cuanto al caso de Alejandro Salas Romero, el Gobierno informó que la Comisión Nacional no había recibido queja al respecto.

447. Jorge Ramírez Sánchez, Heliodoro Torres Hernández, Doroteo Márquez, Prócoro Luna Guzmán, Anastasio Sánchez Navarro, Adelaido Tovar Hernández, Cirilo Naranjos Palacios, Teófilo Solares Baltazar, Aurelio Canales y Evaristo Luna Guzmán. Según se informó, estas personas formaban parte de un grupo de 20 campesinos e indígenas que fueron detenidos el 29 de mayo de 1995 en un operativo policial efectuado en la comunidad indígena náhuatl de Atlapaxco y en la Colonia 7 de mayo del mismo lugar pertenecientes al Estado de Hidalgo. El operativo habría transcurrido de manera violenta y los detenidos se encontrarían en situación de incomunicación (1° de junio de 1995).

448. El Gobierno informó que la Comisión Nacional de Derechos Humanos no pudo localizar a las personas mencionadas por encontrarse en libertad bajo fianza. Esta Comisión, sin embargo, no recibió ninguna queja por tortura en relación con las mismas.

449. Salomón Alegría Velazco, de Jaltenango de la Paz, Sierra Madre del Sur, habría sido detenido por la policía el 10 de agosto de 1995 en la carretera entre la ciudad de Juchitán, Oaxaca y la ciudad de Villa Flores, Chiapas, y mantenido en situación de incomunicación (21 de agosto de 1995). El Gobierno informó que la Comisión Nacional de Derechos Humanos está investigando la desaparición de esta persona. Hasta el momento no se han encontrado indicios de su detención por parte de las fuerzas de seguridad.

Información recibida del Gobierno sobre casos incluidos en informes anteriores

450. En varias ocasiones en el pasado, el Relator Especial ha transmitido al Gobierno el caso de Manuel Manríquez San Agustín, preso, según las últimas informaciones, en la Penitenciaría de la Ciudad de México y sentenciado a varios años de cárcel presuntamente sobre la base de confesiones obtenidas mediante tortura. Con fecha 1° de diciembre de 1995, el Gobierno informó que en su recomendación 35/94 la Comisión Nacional de Derechos Humanos estimó fundada la denuncia sobre tortura presentada por el Sr. Manríquez. Con este antecedente, la Procuraduría General de Justicia del Distrito Federal ejercitó, con fecha 15 de noviembre de 1995, acción penal en contra de dos miembros de la policía que, cuando ocurrieron los hechos, desempeñaban los cargos de comandante y subdelegado respectivamente de la policía judicial del sector Iztapalapa, por su probable responsabilidad en la comisión del delito de tortura. El 24 de noviembre de 1995, la Procuraduría General ejecutó las órdenes de aprehensión correspondientes.

Mongolia

Information transmitted to the Government

451. By letter dated 29 May 1995 the Special Rapporteur advised the Government that he had received information indicating that a number of persons held in prisons in Mongolia had starved to death or were suffering from malnutrition because they had received inadequate provisions of basic food. Of 90 deaths occurring in the country's prisons from autumn 1993 to autumn 1994, between 15 and 30 were officially cited as having resulted from starvation. In a number of other cases of deaths caused by illness, malnutrition may have constituted a contributing factor.

452. The starvation of prisoners was attributed in part to the implementation of article 11.3 of the Law on the Prison Service and Custodial Sentence, which provides that "[p]risoners ... will be responsible, through labour, for the cost of food, clothing, bedding, and for power and heating of living quarters". As a consequence of Mongolia's transformation to a market-oriented economy, many prison industries had become non-viable and the ability of prisoners to work for adequate rations was greatly hampered. The normal prison diet was said to provide prisoners with a low-calorie and imbalanced nutritional intake.

453. Many of those persons who had died in penitentiaries from starvation reportedly had been starving or malnourished already when they arrived from pre-trial custody. Their condition allegedly resulted from the practice of using food deprivation as a means to coerce a detainee into confessing to a crime. Prisoners failing to confess under interrogation were allegedly returned to their cells on reduced or no rations for several days before being returned for a further round of interrogation. The State Prosecutor reportedly found that 274 of 700 remand prisoners detained at Gants Hudag prison from April 1994 until late 1994 were suffering from malnutrition, and 7 had died.

454. One reported victim of starvation, Davaadelger, died in a prison hospital on 25 March 1994. He had reportedly been arrested in August 1993 and placed in Gants Hudag prison in Ulaanbaatar. In December 1993, his relatives received a telegram notifying them that his health was bad. When they arrived to see him they discovered that he had been transferred to the prison at Maant. In late February they received another telegram indicating that his health had further deteriorated. They arrived at the prison to discover Davaadelger so malnourished that he was unable to digest any food that they fed him. After his death, a certificate was issued indicating the cause of death to be starvation.

Morocco

Informations transmises au gouvernement et réponses reçues

455. Le 10 juillet 1995, le Rapporteur spécial a transmis au gouvernement le cas de Khadija Benameur, membre du syndicat Union marocaine du travail. Selon les informations reçues, elle faisait partie d'un groupe de six personnes qui auraient été arrêtées par la police le 14 mars 1995, alors qu'elles participaient à un *sit-in* pacifique qui avait lieu dans le complexe industriel de Sidi Slimane. Pendant son séjour en détention préventive, elle aurait subi des mauvais traitements. Bien qu'elle ait présenté des contusions sur le visage et les mains lors de son procès, le ministère public aurait refusé qu'elle soit examinée par un médecin indépendant. Le 23 novembre 1995, le gouvernement a répondu qu'elle avait été poursuivie pour atteinte à la liberté du travail et condamnée à un mois d'emprisonnement.

456. Le Rapporteur spécial a également transmis les cas de Ahmed El Kouri, Nebt Ramdane Bouchraya, Arbi Brahim Baba, Cheykhaton Bouh, M'Rabih Rabou Neysan, Abdel'hay Lekhal, Mahfoud Brahim Dahou et Salama Ahmed Lembarki. Selon les informations reçues, ces jeunes gens, âgés de 18 à 20 ans, ont été arrêtés le 11 mai 1995 suite à une manifestation pacifique de soutien au Front Polisario qui a eu lieu à La'youne. Le 21 juin 1995, ils auraient été jugés par la Cour militaire à Rabat et condamnés à des peines d'emprisonnement allant de 15 à 20 ans. Lors du procès, les accusés auraient déclaré avoir été battus et subi des électrochocs alors qu'ils étaient détenus secrètement sans aucun contact avec leurs familles ni leurs avocats. Or la Cour n'aurait pas pris en considération ces allégations. Le gouvernement a répondu que les peines ont finalement été réduites à un an de prison. Par ailleurs, toute allégation de torture ou de mauvais traitements n'est que pure spéculation, les jeunes inculpés n'ayant, au moment de leur comparution devant le tribunal militaire, fait aucune déclaration dans ce sens.

Appels urgents

457. Le 23 mai 1995, le Rapporteur spécial a adressé un appel urgent au gouvernement concernant Hama Jeyed Meissa, Ahmed Salama Meissa, Moctar Mohamed Salem Beya, Mohamed Deiche Kerkoub, Sabar Mohamed M'Hamed, Mohamed Sid'Ahmed Kouara, Abdallahi Mohamed Lekhal, Mahfoud Brahim, Mohamed M'Barek Delil, Nebt Ramdan Beicha, Melainine Nema, El Mehdi Sid'Ahmed, El Harvi Mohamed Ali, Moustapha Fdili Melainine, Brouk Saïd, Fatiha Mamin, Mohamed Reihim, El Arbi Abdenbi. Selon les informations reçues, ces jeunes faisaient partie d'un groupe d'environ 100 personnes qui auraient été arrêtées par l'armée marocaine

suite à des manifestations qui se seraient déroulées les 10 et 11 mai 1995 à La'youne. Des craintes ont été exprimées car ils pourraient faire l'objet de tortures ou de mauvais traitements tant qu'ils resteraient en détention.

Myanmar

Information transmitted to the Government

458. By letter dated 11 April 1995 the Special Rapporteur advised the Government that he had received information according to which the torture and ill-treatment of ethnic minorities was occurring in the course of counterinsurgency operations against armed opposition groups. Persons performing forced unpaid labour on construction projects and forced porter duty for the army (tatmadaw) were also said to be vulnerable to such abuses.

459. The Special Rapporteur transmitted the cases of alleged torture which are summarized in the following paragraphs.

460. Saw Their Toe was reportedly arrested on 31 December 1993 in Paw Autaw village of Kyauk Kyi township, Pegu division, by troops from Light Infantry Battalion (LIB) 60. The soldiers allegedly tied him up, stabbed him in the arms and legs with knives, burned out both of his eyes, and dragged him through the streets of the village, before executing him on 6 January 1994.

461. Khing Kyarn, the village headman, and Ai La were reportedly detained on 15 January 1994 during a raid on Na Moop village, Mong Young parish, Hsenwi township, northern Shan State undertaken by Company 5 of Infantry Battalion (IB) 69. Khing Kyarn was allegedly tied up, suspended from the ceiling, beaten and burned. Ai La was allegedly cut in various places on his chest, which resulted in his hospitalization. The following day, the troops detained Sarng Kham Luan of Worn Parng Yarp village in the same parish and allegedly cut the skin on his chest during interrogation. Later, the commanding major and 10 soldiers allegedly committed a gang-rape, the victims of which included Aye Ong, Pa Nang Sar, Ea Kham and Ea Noan. The soldiers went on to raid Worn Parn Yarp village, Mong Young parish, during which Awk Loi Sar, Ea Ong and Ea Noon were allegedly raped and Sarng Kham Luen, Nai Poo, Sarng Khe and the members of the household of Pu Loi Sarng Sue were allegedly beaten.

462. Sarng Swe, the village headman, and Mong Nwe, a youth leader, were reportedly arrested by troops from Company 3 of IB 240 during a raid of Na Moop village on 20 January 1994. The soldiers allegedly hooded and beat Sarng Swe during interrogation. Mong Ngwe was allegedly beaten severely and sustained a serious injury to his head.

463. Naw Psaw Po and Nar Hser Chit were allegedly tied up, blindfolded and raped by a Company 2 commander of IB 24, under the command of Tactical Operation Command 331 of the 33rd Light Infantry Division, during an attack on Lay Kay village, Thaton Township in Mon State. In the course of the operation, Po Li Kee was reportedly shot and seriously wounded.

464. Maung Chit, Maung Shwe Lher, Saw Thay Ler, Saw Per Klai and Por Ker Ra, from Kyu Kyi village, were reportedly arrested and severely beaten by troops from IB 84 of LIB 99 while returning home from a funeral service on 3 February 1994.

465. Sai Be, from Ma Khae village in Lwe Pow parish of Hpe Khon township, was reportedly arrested on 19 February 1994 under accusation of possession of illegal firearms by soldiers from IB 336. He was allegedly beaten at Hpe Khon military outpost on 22 February. Maung Pa Loke and Daw Mu Larong, from upper Karen Tike village in Hpe Khon township, were also arrested by the soldiers on 22 February and allegedly tied up under Lwe Paw monastery, punched, beaten with a rifle butt and hit on the back with rocks. They were said to have been subsequently beaten to death.

466. Sai Sarng, from Worn Mai village, Lung Khin, from Ye Won village and Sarn Pya, from Worn Fai Lin village, Thung Pung parish, Mong Morn township, southern Shan State, were reportedly arrested on 21 April 1994 by troops from IBs 425 and 426, under accusation of having had contact with rebels. During interrogation they were allegedly subjected to severe beatings and eventually tortured to death.

467. Sai Aung Mong, of Shan nationality, from Worn Pung Laing village, Hsipaw township, was reportedly arrested on 23 May 1994 by troops from Company 1 of IB 22. He was allegedly beaten to death under interrogation.

468. Saw Pa Aye, headman of Ta Pah Kee village in Taungoo district, was allegedly tortured on 31 May 1994 by troops from the second column of IB 39. He had reportedly been abducted along with Saw Potha Dah, headman of Mah Lah Ko village, Saw Potha Dah's wife and a church deacon. The abduction occurred so that the soldiers could secure K250,000 for their release, after having already taken K250,000 from Saw Potha Dah.

469. Dee Pa Leh and his son were reportedly beaten with a stick and his son was grazed by a gunshot on 8 June 1994 by troops from Company 4 of IB 30 in Naw K'Toh village, Thaton district. The attack occurred after troops had taken a cow from the men.

470. Naw K'Ser Paw, a Karen woman farmer from Nyaunglebin district, Pegu division, was reportedly arrested at her house on 16 January 1994 by a unit of soldiers, who allegedly hit her baby son in the head. She was interrogated at a jail in Tat tu about the activities of her husband, who was a soldier in the Karen rebel army. Naw Ta Blu Htoo, whose husband was also a Karen soldier, was reportedly arrested on the same day by soldiers of IB 60. They allegedly tied her with rope with her hands behind her back and hit her in the head with a gun and beat her, before taking her to the jail at Tat tu. Both women were marched to a camp at Tham Bo and forced to perform strenuous labour along with a number of other prisoners. Naw K'ser Paw was allegedly hit on the back and kicked in the head. After about three months she was taken to the police camp and was required to pay a bribe for her release. Naw Ta Blu Htoo was allegedly beaten repeatedly at Tham Bo and witnessed the

torture of a man including the cutting off of his ears and tongue. After three months she paid bribes to Strategic Command headquarters and the police before being released. She and her son reportedly remained in ill-health due to the beatings suffered at the prison camp.

471. Sai Lone, a Shan labourer from Tachilek, was reportedly arrested on 15 April 1993 by a commander and soldiers from the IB 359 and accused of being a member of the Murng Tai Army. He was taken to the main prison at Tachilek and interrogated for a week, during the course of which he was allegedly kept in a chair with his hands tied to the chair high behind his head while his legs were tied to another chair in front. He was then reportedly slapped in the face and hit with the butt of a revolver repeatedly, as a result of which his temples were cut open. He was sentenced to one year in prison. After five months in prison he was reportedly sent to work on the hydroelectric project at Mong Kwan and forced to work in chains. He was allegedly forced to carry rocks and when he did not work quickly enough he was beaten severely with a bamboo stick.

Urgent appeals transmitted and replies received

472. On 17 March 1995 the Special Rapporteur sent an urgent appeal on behalf of Moe Myat Thu, Mo Maung Maung, Maung Maung Win, Maung Maung Oo, Cho Nwe Oo, Yi Yi Tun, Aye Aye Moe, Moe Kalayar Oo, Ni Ni, who were among a group of 50 young persons reportedly arrested on 20 February 1995 in Yangon while attending the funeral of former prime minister U Nu. Maung Maung Oo and Moe Myat Thu were allegedly beaten severely by members of Military Intelligence at the time of their arrest. The Special Rapporteur sent two follow-up appeals on 28 March, on behalf of Thin Than Oo, Aw Wai, Maung Nyunt and Aung Zeya, and on 1 May 1995, on behalf of Maung Maung Myint, Bo Htite (also known as Nyunt Myaing), Kyaw Swa Htu, Htay Win and Than Gyaung. Those persons were also among those reportedly arrested at the funeral.

473. By replies dated 19 April 1995 and 11 May 1995 the Government informed the Special Rapporteur that only nine of the persons named in the urgent appeals - Aung Zeya, Thin Than Oo, Nyunt Myaing, Moe Maung Maung, Maung Maung Oo, Moe Myat Thu, Moe Kalayar Oo, Cho Nwe Oo, and Aye Aye Moe - had been arrested. They were charged under section 5 (j) of the 1950 Emergency Provision Act for having created disturbances at the funeral of U Nu with the aim of disrupting it and for having instigated the people to unrest. There should exist no anxiety or fears of torture or ill-treatment in detention, as such practices were strictly prohibited in the Prisons Manual and the prison authorities scrupulously followed the regulations laid down.

474. The Special Rapporteur also sent an urgent appeal on 6 October 1995 on behalf of Ye Htut, a member of the National League for Democracy (NLD), who was reportedly arrested on 27 September 1995 by Military Intelligence personnel. He was said to be facing charges of "concocting news stories" about Myanmar and sending them to dissident groups abroad. His whereabouts were unknown.

475. The Special Rapporteur transmitted another urgent appeal on 24 November 1995 concerning Maung Aye, Toe Aung and Myo Zaw, representatives of the NLD Youth, who were reportedly arrested by police on 18 November 1995 at a meeting outside the house of NLD leader Aung San Suu Kyi.

Nepal

Urgent appeal transmitted and reply received

476. On 1 August 1995 the Special Rapporteur sent an urgent appeal concerning the deportation of a substantial number of Tibetans from Nepal to Tibet. More than 100 such persons had reportedly been deported summarily, without an official hearing or other procedural safeguard, since April 1995. Some of the deportees feared arrest by the Chinese authorities upon arrival in Tibet. The Special Rapporteur referred to the observations in his report to the fiftieth session of the Commission on Human Rights (E/CN.4/1994/31, para. 172), reaffirmed in his report to the fifty-first session (E/CN.4/1995/34, para. 128), that there existed "serious grounds for concern about the persistence of an extensive problem of torture and severe ill-treatment of prisoners in various parts of China". The problem was especially acute with respect to the situation in Tibet. He therefore appealed for no person to be deported to Tibet without a reliable and individualized determination by the Government of Nepal that no substantial grounds existed for believing that he or she would be in danger of being subjected to torture. This principle was mandated by article 3 of the Convention against Torture, to which Nepal is a party.

477. On 17 August 1995 the Government replied that there were 20,000 to 50,000 Tibetan asylum-seekers in Nepal. Under a treaty signed between Nepal and China, persons from either side could freely move across 30 kilometres of the border. All who crossed the border were therefore not asylum-seekers and the Nepalese authorities returned persons who had crossed the 30 kilometre area "if they wished to go home". Since Nepal also had open borders with India, it was not easy to determine who came from which side. It was also difficult to determine whether the reasons for recent movement of Tibetans in large numbers could be only non-economic ones. There had been no change in the policy of the Government regarding refugees.

Norway

Information received from the Government with respect to cases included in previous reports

478. On 20 February 1995 the Government sent the Special Rapporteur supplementary information to its reply of 6 October 1994 with regard to the cases of Iranian nationals Bahlul Karbaly Khalil Moghadami, Farhad Mohammadi Injeh and Mansour Mohammadi Injeh, who were poised to be extradited to the Russian Federation for prosecution on hijacking charges. The Government stated that on 10 November 1994 it had rejected the appeals of these persons that they not be so extradited. On 4 January 1995 the Government of the Russian Federation had accepted a number of conditions set forth by the Government of Norway, including that these men not be deported to

the Islamic Republic of Iran, even after they had served their sentence, and that the death penalty not be imposed upon them. The Russian authorities had also agreed that the Norwegian authorities would visit the men in custody after their extradition to Russia. The European Commission on Human Rights rejected a petition to stay extradition proceedings on 13 January 1995 and the men were extradited to the Russian Federation on 24 January 1995. Since 27 January 1995, they had been detained in the Lefortovo prison in Moscow, where they were twice visited by the Norwegian authorities. Those authorities were satisfied with the functioning of the visiting arrangement.

Pakistan

Information transmitted to the Government

479. By letter dated 25 September 1995, the Special Rapporteur informed the Government that he had received reports indicating that torture continued to occur routinely in police stations and frequently in military or paramilitary detention centres and jails throughout Pakistan. Torture was allegedly inflicted to gain information, to punish, humiliate or intimidate, to take revenge or to extract money from detainees or their families. The methods of torture reported include rape; beatings with sticks, hose pipes, leather belts and rifle butts; kicking with heavy boots; upside-down hangings; electric shocks applied to the genitalia and knees; cheera (forced stretching apart of the victim's legs, sometimes in combination with kicks to the genitalia); sleep deprivation; prolonged blindfolding; and boring of holes with an electric drill into parts of the victim's body.

480. Police reportedly often use excessive and disproportionate force during crowd control operations. While conducting house-to-house searches during operations in Karachi from June 1992 to November 1994 and again beginning in May 1995, the army would cordon off entire sections of the city, most frequently Liaqatabad, Lines Area, Shah Faisal Colony and Paposh Nagar, and allegedly round up, detain, blindfold and beat persons. Activists of the Mohajir Qaumi Movement (MQM) political party were reported to be particularly targeted during such operations.

481. Police and other law enforcement personnel were alleged frequently to disregard legal safeguards contained in the Police Rules and the Code of Criminal Procedure of Pakistan concerning arrest and detention procedures. Arrested persons were sometimes held incommunicado and without charge, their arrest or detention going unrecorded, rendering them vulnerable to torture or ill-treatment. In many instances, victims of torture or ill-treatment reportedly were unable effectively to register complaints with the police, as officials either refused to register first information reports (FIRs), distorted the complaint contained in the FIR or delayed investigatory proceedings. Many persons were dissuaded from registering complaints for fear of retaliation and further abuse from police. Medical reports and post-mortem reports were in some cases allegedly falsified so as to support the police version of events.

482. The cases summarized in the following paragraphs were transmitted to the Government.

483. Iqbal Otho, a 14-year-old boy detained in mid-1993, was allegedly blindfolded for seven months in the Crime Investigation Agency (CIA) Centre in Hyderabad before being released in January 1994. The prolonged blindfolding impaired his vision and he became partially deaf as a result of being punched repeatedly in the ears.

484. Ghulam Hussain Magsi, arrested on 10 April 1994 in Qubo Saeed Khan, Sindh province, under accusation of stealing a cow, was reportedly held by police in an isolation cell. A doctor was taken to see him on 13 April and the following day police reported that he had hanged himself in his cell. Police officers had reportedly demanded money from his relatives for his release and it was alleged that he was in fact tortured to death.

485. Mohammad Asif, from Iqbal B-Line, Tando Alahyar, a 17-year-old member of the All Pakistan Mohajir Students Organization (APMSO), the student wing of the MQM, was reportedly arrested on 9 June 1994 by a station house officer (SHO). He was allegedly tortured and subsequently taken to Abbassi Shaheed Hospital for treatment.

486. Bachal Janwri, a prisoner in the District Jail, Larkana, died on 11 June 1994, allegedly after the medical superintendent of Civil Hospital had refused to admit him for treatment of tuberculosis without a court order. Although the court order was eventually obtained by his lawyer, his health by then had deteriorated so that he died upon admission to the hospital.

487. Zahid Ali Khan, an MQM activist, was arrested by police of Malir Extension police station on 22 June 1994 and was discovered dead by his family later that day at Jinnah Post-Graduate Institute Hospital. His body reportedly contained holes around the head and backbone, apparently made by an electric drill. His eyes had been gouged, his ears amputated and his shoulder and backbone were broken. Mohammad Murtaza, who was arrested with Yahid Ali Khan, was allegedly hung upside down for several hours. He was said to have witnessed the drilling of holes into Zahid Ali Khan. A medico-legal officer of the hospital confirmed that Zahid Ali Khan's body contained marks of torture.

488. Rahim Dada Jamali, who had recently returned from Saudi Arabia, was reportedly approached at his home on 24 June 1994 by an assistant subinspector of the CIA and other police officers demanding a share of what they called the "Saudi Arabia bounty". After he refused to pay, the officers allegedly beat family members and took him, his brother and two cousins to CIA headquarters in Dadu. His relatives were released, but the police demanded that they secure 100,000 rupees to avoid having Rahim killed in an "encounter". When they returned with only 40,000 rupees a week later, the ASI allegedly beat Rahim in the face with rifle butts, as a result of which he died on 9 July 1994. His relatives tried repeatedly to lodge an FIR in the Dadu City police station, but the SHO refused to register the complaint and subsequently informed the CIA about the complaint. The ASI then allegedly threatened his relatives with death. The Human Rights Cell investigated the incident and the police officers involved have reportedly been suspended and arrested on a murder charge. The outcome of subsequent proceedings was unknown.

489. Sajida Parveen was allegedly raped repeatedly by two police officers from Budhla Sant police station in Multan, Punjab province while her husband was out of town. She had rejected earlier advances by the officers, but they allegedly broke into her house on 23 July 1994, after which a head constable locked her children in a room and threatened to kill them if anyone offered resistance. Sajida Parveen was then allegedly raped and robbed at gunpoint and her children threatened with harm if she reported the incident. A medical examination conducted pursuant to a magistrate's order confirmed that more than one person had raped her, but the police refused to register her complaint.

490. Athar Iqbal Arain, a member of the Sindh Punjabi Students Association and a prisoner in Hyderabad central jail, was killed following a clash between prisoners and wardens, jail police, reserve police and the paramilitary Rangers on 27 July 1994. A tear-gas shell was allegedly fired directly into the face of Athar Iqbal Arain, which smashed his teeth and caused him to bleed profusely. Rather than being taken to hospital, he was reportedly given first aid at the prison dispensary and placed in bar fetters in an isolation cell, where he died in the early hours of 18 July 1994. Although prison officials maintained that he had committed suicide in his cell, a post-mortem report attributed his death to injuries sustained during a scuffle resulting from his resistance and due to his hitting his head against the wall. Following a Sindh High Court order, an FIR was lodged against the superintendent of the jail, three wardens and medical officers who refused to treat him. The outcome of the investigation was unknown.

491. Kamil Salongo was reportedly arrested from his home near Halani, Sindh, without a warrant on 11 August 1994 by a joint police unit from Halani and Mehrabpur police stations. He was allegedly held and beaten for four days, until relatives paid 5,000 rupees for his release. His arrest was part of an operation conducted in the wake of a robbery in the area, during which about 75 people were arrested and allegedly tortured until bribes were paid to secure their release.

492. Aftab Ali Beg, a photographer with the Urdu daily publication Jang, and his son were allegedly beaten in their home on 25 October 1994 by army personnel, after Aftab Ali Beg had photographed from the roof of his house the army's activities during an undeclared curfew in Liaqatabad, Karachi. He was subsequently detained in the Liaqatabad army headquarters for several hours.

493. Jamil Ahmed, Abdul Razzaq, Mamoon Rashid, and Mohammad Shahid, arrested at their homes in Karachi on 6 May 1995 by members of the police and Rangers, were allegedly tortured at New Karachi police station while naked and blindfolded over a period of 23 days. The torture was said to include the drilling of holes into parts of their bodies and beatings with iron rods. Mohammad Shahid sustained numerous injuries, including a fractured rib. Abdul Razzak suffered a fractured leg and Jamil Ahmed sustained injuries to his leg and hips. The four men, unable to walk, were reportedly dragged blindfolded to the Special Court for the Suppression of Terrorist Activities on 29 May 1995, prompting the presiding officer of the Court to order them to undergo medical examinations.

494. Mohammed Sallem Jafri and Nadeem Ahmed of Shah Faisal Colony in Karachi were arrested in North Nazimabad on 18 May 1995 by police officers and Rangers. The officials allegedly drilled holes into their bodies, removed their fingernails and mustaches, and burned them with cigarettes and hot iron rods. They reportedly died as a result of this torture. The Rangers brought their bodies to hospital and reported that they had died in an "encounter".

495. Kamran Qureshi, aged 16, was arrested in North Nazimabad on 18 May 1995 by members of the Rangers and officers of Temuria police station. The officials allegedly drilled holes into his face, removed his fingernails and toenails, broke his knees and neck, and shot several bullets into his head. His body was taken by the police and Rangers to Abbasi Shaheed Hospital. A medical report confirmed injuries consistent with the treatment described above.

496. Forty-six MQM activists were reportedly transferred from Karachi central jail to Larkhana jail in the interior of Sindh province on 31 May 1995. The prisoners were allegedly beaten severely with sticks and fists upon their arrival at the prison. They were then placed in bar fetters and forced to perform hard labour.

497. By the same letter the Special Rapporteur also reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received and requested follow-up information on seven other cases.

Information received from the Government with respect to cases included in previous reports

498. By letter dated 30 January 1995, the Government, responding to the general allegations transmitted by the Special Rapporteur in his letter of 21 July 1994, noted that individual cases of excesses occurred in Pakistan, but that such cases did not represent the official policy of the Government. Allegations of torture are immediately investigated by the appropriate authorities and action is taken against those found guilty. Many of the cases transmitted by the Special Rapporteur occurred before the present Government had assumed office and the incidents of human right violations had decreased during the tenure of the present Government. The Government had taken steps to ensure protection of and respect for human rights, including the establishment of the Human Rights Cell. Under its mandate, the Human Rights Cell is empowered, inter alia, to submit opinions, recommendations, proposals and reports on legislative, administrative and certain judicial provisions for the protection of human rights; to draw the attention of the Government to situations in the country where human rights are violated and to make proposals to remedy the situation; to promote and ensure the harmonization of national legislation, regulations and practices with those international human rights instruments to which the State is a party; to assist in the formulation of programmes for human rights education and research; and to monitor specific incidents of human rights violations as and when desired by the Government.

499. With regard to general allegations transmitted by the Special Rapporteur concerning the prevalence of sexual abuse, including rape, of women held in police custody, the Government had taken measures to provide for the protection of women during interrogation, including the establishment of

women's police stations where the police officials are all women. Despite financial constraints, the Government was planning to open other such stations throughout the country. The Government had also incorporated into the Pakistan Penal Code an executive order that women should not be held in police stations overnight and should only be interrogated in the presence of their husbands or close relatives.

500. By the same letter and by an additional letter dated 11 February 1995, the Government provided replies, summarized below, to a number of individual cases transmitted in 1994.

501. With respect to Ghulam Mustafa Soomro, who was allegedly tortured in Sindh in December 1992 by members of the Rangers of the Kurram militia, no case of illegal detention or torture had been registered in 1992 or 1993 at the relevant police station, nor had any complaint been lodged against army personnel.

502. With respect to Babal Khatoon Shirazi, who was allegedly beaten to death by officers from Thatta police station and an army team on 18 December 1992, an inquiry had been conducted by the Thatta additional district magistrate. An investigation undertaken by the CIA was expected to be finalized shortly.

503. As to Nazir Massih, who died following an alleged beating on 21 May 1993 by two police constables at Batala Colony police station in Faisalabad, Punjab, an inquiry had revealed that his death was due to traumatic shock leading to cardiorespiratory failure. A case registered against the police officials was cancelled by the area magistrate in light of statements made by the deceased's relatives that Nazir Masih was a drug addict, as well as the medical examiner's findings that a high level of tranquillizer and alcohol was present in his blood and urine. The provincial government thereafter had ordered the district magistrate to conduct a thorough probe into the matter to ascertain the veracity of the reports.

504. With respect to Niaz Hussain Pathan, who was allegedly tortured to death in police custody in Kotdiji, Khairpur, a judicial inquiry had concluded that he was killed in an "encounter" with an inspector and SHO of Kotdiji police station.

505. With respect to Mujib Aijaz Jatoi, who was allegedly tortured to death in August 1993 in Sindh, an investigation conducted pursuant to a case registered against the subinspector of police under instructions from the Sindh High Court revealed that he had committed suicide.

506. As to Ashgar Narejo, who was allegedly beaten severely by army and police personnel near Karipour on 13 June 1992, an inquiry conducted by the subdivisional magistrate of Kingri had concluded that he was killed in an "encounter" with the police and a law enforcement agency in Keti Dodo Bhutto.

507. With respect to Khan Muhammad Korai, who was allegedly tortured to death by members of the 47 Frontier Force Regiment from Moro in August 1992, the Sindh High Court had ordered a case to be registered against the concerned

army officers. The deceased's brother recorded his complaint before the additional city magistrate of Moro on 15 June 1994 and the police thereafter sent a summary of the case to the subdivisional magistrate of Moro.

508. With respect to Ahmad Khan, who was allegedly tortured to death at Piri camp by police and army personnel on 24 September 1992, the records did not indicate that he was arrested by police or law enforcement agencies on the date in question.

509. With respect to Muhammad Razzaq, who died after an alleged beating by police in Gujranwala on 22 October 1992, he had fallen sick in police custody and was taken to Kamoke hospital, where he expired. The post-mortem report indicated that there was no mark of torture present on his body or ligature present on the neck. The Lahore High Court dismissed a writ petition filed by the deceased's father against the police officials on the ground that he had not lodged a complaint with the police.

510. As to Aurangzeb, who was allegedly tortured to death in Sikkur in November 1992, an inquiry conducted by a district magistrate concluded that he had died of natural causes.

511. With respect to Mohamad Liaqat (alias Boota), who died in custody in November or December 1992 after he was allegedly tortured along with his wife by police from Bikhi police station, Sheikhupura, he had died in an "encounter" as he tried to escape from custody and opened fire on the police party. Pursuant to a writ petition filed by his relatives at Lahore High Court, his body was exhumed and a post-mortem was conducted. The case was later filed, as the High Court was satisfied with the outcome of the proceedings.

512. With respect to Bhural Jato, who died after he was allegedly hanged upside down for 24 hours, cut with razor blades and kicked in the chest, the allegations were false. He had in fact been sick and was taken to Taluka Rohri hospital, where he expired.

513. As to Muhammad Arif Khatiyan, who died in June 1993 following his alleged torture at Tando Jan police station, an initial inquiry had concluded that he was never arrested by Tando Jan police and that he had been sick and remained under treatment at Rajputana hospital, Hyderabad. A medical certificate concluded that his death was due to natural causes. However, under orders of the Sindh High Court, murder cases were registered against the three concerned police officials. They were on pre-arrest bail while the case was under investigation.

514. With respect to Mahno Khan Jagirani, who died after his alleged torture at Ahmedpur police station in July 1993, the medical officer reported that he had expired from natural causes. The superintendent of police of Khairpur sent the report to the district magistrate, who appointed the subdivisional magistrate in Khairpur to conduct an inquiry. The case was pending in the court.

515. With respect to Mohammad Sarwar, who was allegedly tortured to death in July 1993 by officers of Mirpurbathoro police station, a judicial inquiry had been conducted and a criminal case was registered at M'Bhatoro police station on 1 October 1994. An investigation by the CIA was continuing.

516. As to Noor Muhammad Qureshi, who was allegedly tortured to death by four officers of Pinyari police station in December 1992, cases were registered against an inspector, a subinspector, a head constable and two constables, pursuant to instructions by the Sindh High Court. They were on pre-arrest bail granted by the Hyderabad session court. The case remained under investigation.

517. With respect to Gulloo Machi, who died after his alleged torture by officers of Chambar police station in April 1993, his relatives had initially lodged a complaint against the police official concerned, but they later concluded that Gullo Machi had committed suicide and had not been tortured by the police.

518. In the case of 10 men reportedly tortured at Ghotki police station in August 1992, whereby Mohammad Qamruddin, Khadim Indhar and Subhoi Indhur died as a result of their treatment in custody, the defendants had opened fire on members of the law enforcement agency and the police had fired in self-defence. An inquiry concluded that no excesses had been committed by police or other law enforcement agencies.

519. With respect to Lau, a 14-year-old girl allegedly raped by three police officers of the Tando Ghulam Haider station in Hyderabad district on 17 October 1992, the accused police officials were immediately tried before the Special Court for Speedy Trial and dismissed from service. The Court sentenced them to 10 years' rigorous imprisonment and 30 lashes each for committing rape as well as one year rigorous imprisonment for wrongful containment of the complainant. (The Special Rapporteur had received information that this verdict had been overturned on procedural grounds. The reply did not mention this reversal nor did it address the issue as to whether any further action would be taken with regard to the case.)

520. As to Rahid Mellah, a 14-year-old boy allegedly raped by a police constable of Meldsi station in Sanghar district of Sindh province, an inquiry had concluded that no such incident was reported at that police station.

521. With respect to allegations of torture and ill-treatment in private jails established to detain bonded labourers, an inquiry had revealed that 48 men, 79 women and 130 children were confined in the village of Haji Ghulam Hussain Khokhar. The labourers were taken out for forced labour for long hours, locked up in the evening, paid little for their work and chained and subjected to torture and cruel treatment. Some of the women were raped by two supervisors. A case had been registered and the accused would be tried in a court of law.

Urgent appeals

522. On 24 November 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Masood Alam Khan, and his brothers Waheed Shariff Khan and Tanvir Shariff Khan (aged 16), who were reportedly arrested at their home in Karachi by the paramilitary Rangers. Mosood Khan was arrested on 20 November and his brothers were arrested two days later, at which time they were allegedly beaten. The whereabouts of all three detainees were unknown.

523. The Special Rapporteur transmitted another urgent appeal on 6 December 1995 on behalf of Dr. Munawar Alam Halepota, a resident of the United Kingdom, who was reportedly arrested by police on 28 November 1995 in Tandollawar, Sindh, where he had travelled to visit his family. Dr. Halepota is the Secretary-General of Human Rights International and the World Sindhi Congress and had been appointed by the International Committee for European Security and Cooperation as its Deputy Permanent Representative to the United Nations in Geneva. He was said to have been taken on 30 November to an unknown place, possibly the CIA centre in Hyderabad, but his subsequent whereabouts were unknown.

Observations

524. At the time of writing the Government had just informed the Special Rapporteur that a visit planned for 14 to 23 December 1995 had to be postponed because of the unexpected unavailability of the Interior Minister and other concerned officials. It was hoped that an alternate set of dates for the visit in early 1996 would be proposed to the Special Rapporteur. He will inform the Commission at its fifty-second session of developments in the oral presentation of his report.

Peru

Información transmitida al Gobierno y respuestas recibidas

525. Con fecha 13 de abril de 1995, el Relator Especial comunicó al Gobierno que había continuado recibiendo abundante información sobre el uso reiterado de la tortura como medio de castigo, intimidación o para obtener una confesión, por parte de las fuerzas de seguridad, especialmente contra personas detenidas bajo acusación de terrorismo o delitos connexos. Esta práctica se vería facilitada por una legislación penal de emergencia que restringe el derecho de defensa y amplía las facultades concedidas a la policía para detener e incomunicar a los detenidos hasta un período de 15 días o más. Según se informó, el nuevo Código Penal, vigente desde 1991, no ha incorporado de manera expresa el delito de tortura como delito autónomo. Inclusive, la nueva legislación penal ha derogado normas que castigaban las vejaciones o apremios ilegales.

526. Se informó igualmente que el principal instrumento del que se ha valido el Estado para enfrentar a la subversión armada ha sido el recurso sistemático a los estados de emergencia en amplias zonas del territorio nacional, donde las fuerzas armadas no sólo ejercen el control militar sino también el político. En estas zonas miembros del ejército, a veces acompañados por patrullas de defensa civil, así como miembros de la policía, especialmente los

pertenecientes a la Dirección Nacional contra el Terrorismo (DINCOTE) recurren con frecuencia a la práctica de la tortura, incluidos la violación y los abusos sexuales.

527. En el contexto de operaciones armadas contrasubversivas desarrolladas por fuerzas del orden, miembros de éstas han observado de manera reiterada, según las denuncias, una conducta de vejación a la población civil no combatiente. Tal conducta no sólo está dirigida a obtener información sobre el desplazamiento de columnas armadas guerrilleras o confesiones de afiliación a las organizaciones armadas, sino a ejercer actos de represalia contra pobladores de los que se conceptúa que han apoyado a los grupos de oposición armada.

528. La acción de hábeas corpus, por su parte, ha carecido de eficacia para proteger la libertad individual frente a detenciones arbitrarias y para proteger la integridad física y mental de las personas. En las zonas declaradas en estado de emergencia, la mayoría de las acciones de hábeas corpus fueron declaradas improcedentes con el argumento de que bajo dicho régimen excepcional no cabe admitir a trámite una acción de garantía constitucional para proteger los derechos restringidos.

529. En estas circunstancias, los fiscales y jueces se han mostrado al parecer incapaces de garantizar la integridad física y psíquica del detenido debido, entre otras razones, a que:

a) La mayoría de jueces y fiscales de primera instancia son provisionales y temen investigar o denunciar torturas para no generarse conflictos con la autoridad policial o militar.

b) La inercia lleva a que no se pretenda remover un problema de gran complejidad, que si se atacara a fondo incluso llevaría a cuestionar la validez y legalidad de muchos procesos penales. Fiscales provinciales que tratan de investigar denuncias por violaciones de derechos humanos, incluida la tortura, particularmente en las zonas de emergencia, se han visto a menudo obstaculizados por miembros de las fuerzas armadas. Además, casos de esta naturaleza caen generalmente en la jurisdicción de los tribunales militares en el seno de los cuales las investigaciones raramente llegan a término.

Por otro lado, el propio agraviado teme denunciar para evitar represalias mientras permanezca detenido o incluso cuando obtenga la libertad. La prioridad urgente es recuperar la libertad y no suele estar dispuesto a exponerse a nuevas investigaciones por su seguridad personal y la de su familia. Según se denunció, todas estas circunstancias explican que en los últimos años prácticamente ningún miembro del ejército ni de la policía nacional haya sido sancionado por haber torturado.

530. Por carta de fecha 9 de octubre de 1995, el Gobierno respondió a las anteriores denuncias mediante un documento en el que se refería a la situación de violencia que ha existido en el país desde principios de los años 80, el costo en términos de pérdida de vidas humanas y de personas desplazadas así como también en términos económicos. El documento describe igualmente el

marco normativo interno de protección a los derechos humanos, incluidos los recursos judiciales y los sistemas de indemnización, así como la legislación antiterrorista y el proceso de pacificación del actual Gobierno. Además, se mencionan las disposiciones legales relativas a la detención y las que prohíben la tortura, tanto a nivel penal como disciplinario.

531. Los siguientes casos individuales fueron también transmitidos al Gobierno, habiendo éste respondido en la misma carta de 9 de octubre de 1995.

532. Jesús Alberto Vega Moreno fue detenido el 22 de julio de 1992 por una patrulla de la policía nacional en Lima. Fue trasladado a la delegación policial del distrito de Comas, donde habría sido severamente golpeado y obligado a firmar un "acta de incautación" en el que se le señalaba como supuesto portador de artefactos explosivos y, por consiguiente, miembro de una milicia armada de Sendero Luminoso. El certificado médico resultado del examen que le fue practicado el mismo día de la detención señaló la existencia de lesiones. El Gobierno informó que esta persona había sido detenida cuando se disponía a lanzar una carga explosiva contra un vehículo policial.

533. Bonifacio Oswaldo Solsol Castillo fue detenido el 13 de marzo de 1993 por efectivos del ejército en su caserío de Acceso Huallaga y conducido a la base contrasubversiva N° 26 de Tocache, departamento de San Martín, donde fue mantenido durante 12 días en el curso de los cuales habría sido torturado mediante golpes, inmersiones y descargas eléctricas. El Gobierno informó que esta persona fue detenida por ser presunto delincuente terrorista.

534. Francisco Alejos Murillo, dirigente de la Federación Provincial de Rondas Campesinas de Sihuas, fue detenido el 20 de marzo de 1994 por miembros del ejército pertenecientes a la base militar de Sihuas, departamento de Ancash. Entre el 22 y el 25 de marzo habría sido llevado en varias ocasiones a un lago donde habría sido sumergido para que confesara ser miembro de la oposición armada. Además le ataban cartuchos de dinamita al cuerpo y encendían la mecha. En una ocasión se le obligó a beber agua mezclada con detergente y se le introdujo una pistola en la boca. El Gobierno informó que esta persona fue detenida por actividades terroristas. Se le realizó un examen médico, obteniéndose como resultado tres días de atención facultativa y dos días de incapacidad para el trabajo, posible agresión sufrida por intervención de personal del ejército cuya identidad no ha podido ser determinada. Tres meses después el Sr. Alejos fue dejado en libertad.

535. Miguel Liñán Mariños fue detenido el 15 de marzo de 1994 por militares pertenecientes a la base de Sihua. Durante los dos días que permaneció en detención habría sido golpeado brutalmente. A mediados de abril aún se encontraba bajo tratamiento médico por las heridas sufridas. El Gobierno informó que fue detenido por escándalo cuando se encontraba en estado de ebriedad. El examen médico efectuado constató la existencia de lesiones leves, desconociéndose la identidad de quienes las provocaron. En una comunicación de fecha 24 de julio de 1995, el Gobierno informó que esta persona no fue detenida y que nunca formuló denuncia.

536. Wilfredo Gutiérrez Huarcaya, 16 años, fue detenido en su domicilio de Ayacucho el 21 de mayo de 1994 por efectivos policiales que buscaban a su hermano. En el momento de la detención habría sido golpeado brutalmente y

amenazado de muerte. Fue detenido por presunto delito de terrorismo, sin que se hayan producido en este contexto violaciones a los derechos humanos. Ello fue acreditado mediante examen médico.

537. Flor de María Zevallos Calderón, menor de edad, y Nilda Condori Julca formaban parte de un grupo de pobladores del caserío de Paraíso, distrito Nuevo Progreso, provincia de Tocache, San Martín, que fueron detenidos por una patrulla militar el 22 de septiembre de 1994 y durante varias horas habrían sido objeto de amenazas y malos tratos. Las arriba mencionadas habrían sido, además, objeto de violación por varios soldados.

538. Wilber Vázquez Flores fue detenido el 21 de noviembre de 1994 por cuatro efectivos policiales en Yurimaguas, provincia de Alto Amazonas, departamento de Loreto. Conducido a la estación de policía (4° sector) fue brutalmente golpeado hasta perder el conocimiento y a continuación abandonado en un basural. El Gobierno informó que esta persona nunca fue detenida y que fabricó las denuncias con el objeto de obtener asilo en el extranjero.

539. Carmen Rosa Pariona Yachi, de Challuayacu, distrito de Pólvora, provincia de Tocache, San Martín, habría sido golpeada y violada por efectivos del ejército que irrumpieron el 12 de marzo de 1994 en el restaurante donde trabajaba. El Gobierno informó que este caso no fue denunciado ante la policía.

540. Se informó también que se ha ejercido la detención y tortura contra ciudadanos que habían denunciado violaciones de derechos humanos por parte de agentes del Estado, con el objeto de que desistan de ellas o de que no continúen impulsando las investigaciones. En otros casos, después de haberse ejercido torturas contra civiles se les habría amenazado con daños físicos si presentaban denuncias ante las autoridades, como en los siguientes casos.

541. Elías Lobato, Juan Herrera Jaramillo, Nicolás Huamán Gallegos y Demetrio Carrillo Gutiérrez formaban parte de un grupo de pobladores del caserío de Challhuayacu, distrito de Pólvora, provincia de Tocache, San Martín, que el 29 de marzo de 1994 se presentaron ante el Fiscal Provincial de Tocache a denunciar los abusos de que habían sido objeto por parte de una patrulla de la base militar de Puerto Pizana. Al regresar a su lugar de origen, la camioneta en que viajaban fue interceptada por una patrulla y los arriba mencionados fueron conducidos a la base militar de Villa Palma y recluidos en un pozo. Durante dos días se les habría sometido a diversas formas de maltrato físico, a dos de ellos se les habrían aplicado descargas eléctricas y a todos se les habría amenazado con cortarles las orejas y matarlos. Nicolás Huamán habría sufrido un simulacro de fusilamiento. Posteriormente habrían sido puestos en libertad tras hacerles firmar constancias de no haber sido torturados y de amenazarlos para que no denuncien el caso. El Gobierno informó que la Fiscalía de Tocache remitió la denuncia a la inspectoría del ejército de San Martín-Tarapoto.

542. Ulises Espinosa Sánchez, Gobernador del distrito de Chavín de Pariarca, provincia de Huamalíes, departamento de Huánuco, habría sido severamente golpeado el 2 de abril de 1994 cuando se acercó a un grupo de soldados para solicitar información sobre el paradero de su padre y sus dos hermanos, detenidos el día anterior. Antes de ser dejado en libertad habría sido

amenazado para que no continuara haciendo denuncias de abusos por parte de los militares. El Gobierno informó que se desconoce el paradero actual de esta persona.

543. También el 13 de abril de 1995 el Relator Especial volvió a transmitir al Gobierno el caso de María Elena Loayza Tamayo, detenida en Lima el 6 de febrero de 1993 y presuntamente sometida a tortura por miembros de la DINCOTE. En el curso de 1994 el Gobierno respondió que había sido interrogada el 15 de febrero en presencia de su abogado y que nunca se había quejado de haber sido torturada; el examen médico efectuado antes del 15 de febrero no reveló la existencia de tortura. Información adicional recibida por el Relator Especial de los denunciantes indicó que María Elena Loayza estuvo incomunicada del 6 al 15 de febrero. Que el 15 de febrero, fecha en que se llevó a cabo su manifestación policial, recién pudo su abogada verla, sin que hubiera podido entrevistarse previamente con ella, y desconociendo no sólo los hechos, sino la circunstancia de la detención y las condiciones de la misma. Posteriormente, cuando su abogada tomó conocimiento de los hechos informó de los mismos al fiscal adjunto de la 43 Fiscalía Penal de Lima. María Elena Loayza también informó de los hechos relativos a la tortura a delegados del Comité Internacional de la Cruz Roja que la visitaron a finales de marzo de 1993 en el centro penitenciario de mujeres de Chorrillos. El Gobierno informó a este respecto que en declaración efectuada en presencia de su abogado la Sra. Loayza nunca manifestó haber sido torturada.

544. Con fecha 10 de julio de 1995, el Relator Especial transmitió al Gobierno los casos siguientes.

545. Jhoel Huamán García fue detenido el 26 de mayo de 1995 en Pasco por efectivos de la policía nacional. El 27 de mayo, sus familiares fueron informados en la dependencia policial que había sido trasladado al hospital Daniel Alcices Carrión, mientras que personal de éste les señaló que había llegado muerto a dicho centro. En una primera diligencia de necropsia efectuada en este hospital los médicos concluyeron que no se podían determinar las causas de la muerte. El 31 de mayo, sin embargo, se realizó una segunda necropsia en la que se determinó como causa traumatismo múltiple por efecto contundente. El Gobierno informó que los efectivos policiales involucrados en la muerte de esta persona fueron pasados a la situación de disponibilidad como medida disciplinaria y denunciados ante la fiscalía provincial de Pasco. También se estableció la responsabilidad del comandante de la unidad correspondiente, habiéndose impuesto sanción disciplinaria.

546. Justiniano Hurtado Torres, 64 años, fue detenido el 27 de noviembre de 1994 en el caserío de San Pedro de Chio, Huánuco, por personal de la marina de guerra. Durante tres días que habría permanecido en la base militar de La Aguaytía habría sido sometido a torturas tales como ser colgado con las manos amarradas hacia atrás y ser sumergido en un pozo de agua. El 30 de noviembre fue entregado a la policía nacional de La Aguaytía. El 11 de diciembre fue trasladado al centro de salud en estado de coma, falleciendo unas horas después. Al ser entregado el cadáver a la familia se habría constatado que tenía fractura en la muñeca y en el hombro izquierdos así como otras marcas de tortura. El Gobierno afirmó que, durante su permanencia en la Delegación de la policía nacional, el Sr. Hurtado fue tratado adecuadamente; su fallecimiento se debió a causas naturales.

547. Violeta Robles Palomino fue detenida el 14 de abril de 1994 en su domicilio de San Juan Lurigancho, Lima, por miembros de la DINCOTE de la policía nacional -Delta 4. Como consecuencia del trato a que habría sido sometida le habría sobrevenido un aborto.

548. Ana María Auris Mayta fue detenida en su domicilio de la ciudad de Huancayo, Junín, el 2 de septiembre de 1993 por miembros de la Jefatura contra el terrorismo (JECOTE) de la policía nacional que buscaban a su esposo. Como consecuencia del trato a que habría sido sometida se le habrían presentado síntomas de aborto. Fue trasladada al hospital El Carmen donde se le practicó una ecografía. Sin embargo, por presión de la policía se habría modificado la fecha de la misma, señalándose que había sido realizada un mes antes de la detención. A pesar de que los médicos recomendaron su hospitalización fue trasladada de nuevo a la JECOTE. Ocho días más tarde la familia fue informada de que había sufrido un aborto.

Llamamientos urgentes y respuestas

549. El 6 de julio de 1995, los Relatores Especiales sobre tortura, ejecuciones extrajudiciales, sumarias o arbitrarias, y sobre independencia de jueces y abogados así como el Presidente del Grupo de Trabajo sobre Desapariciones Forzadas o Involuntarias, hicieron un llamamiento al Gobierno expresando su preocupación ante la promulgación de las leyes de amnistía 26479 de 14 de junio de 1995 y 26492 de 2 de julio de 1995. La primera de estas leyes concede amnistía general al personal militar, policial o civil, cualesquiera que fuere su situación militar, policial o funcional, que se encuentre denunciado, investigado, encausado, procesado o condenado por hechos derivados u originados con ocasión o como consecuencia de la lucha contra el terrorismo desde mayo de 1980. En cuanto a la segunda, declara que la amnistía otorgada es irrevisable por parte de los jueces y que no constituye violación alguna de la Constitución ni de las obligaciones internacionales. Según la información recibida, en aplicación de estas leyes habrían sido puestos en libertad miembros de las fuerzas del orden que habían sido procesados, o estaban siéndolo por su responsabilidad en violaciones graves de derechos humanos objeto de los mandatos de los citados Relatores.

550. En relación a la segunda de estas leyes, los Relatores Especiales indicaron que el derecho a la revisión judicial es fundamental en cualquier democracia para la protección del estado de derecho. Es labor coherente de un poder judicial imparcial e independiente revisar acciones del ejecutivo y del legislativo y decidir sobre la legalidad de los actos de estos órganos del Gobierno o sobre la aplicabilidad de una determinada legislación. El declarar la irrevisibilidad de una ley de amnistía no sólo viola los principios básicos de un estado de derecho, sino que también es contrario al espíritu de los artículos 3 y 4 de los principios básicos relativos a la independencia de la judicatura.

551. Estas medidas favorecen la impunidad al negar recursos eficaces a quienes hayan sido víctimas de violaciones de derechos humanos y, por consiguiente, son contrarias al espíritu de los instrumentos de derechos humanos, incluida la Declaración de Viena aprobada por la Conferencia Mundial de Derechos Humanos el 25 de junio de 1993. Esta última establece en su párrafo 27 que "cada Estado debe prever un marco de recursos eficaces para reparar las

infracciones o violaciones de los derechos humanos. La administración de justicia, en particular los organismos encargados de hacer cumplir la ley y del enjuiciamiento, así como un poder judicial y una abogacía independientes, en plena conformidad con las normas contenidas en los instrumentos internacionales de derechos humanos, son de importancia decisiva para la cabal realización de los derechos humanos sin discriminación alguna y resultan indispensables en los procesos de democratización y desarrollo sostenible". Además, el párrafo 60 afirma que "los gobiernos deben derogar la legislación que favorezca la impunidad de los responsables de violaciones graves de los derechos humanos, como la tortura, y castigar esas violaciones, consolidando así las bases para el imperio de la ley". En cuanto al párrafo 91 afirma que "la Conferencia Mundial de Derechos Humanos ve con preocupación la cuestión de la impunidad de los autores de violaciones de los derechos humanos y apoya los esfuerzos de la Comisión de Derechos Humanos y de la Subcomisión de Prevención de Discriminaciones y Protección a las Minorías por examinar todos los aspectos de la cuestión".

552. Por su parte el Comité de Derechos Humanos, establecido conforme al Pacto Internacional de Derechos Civiles y Políticos, ha declarado en varias ocasiones al analizar informes de estados que habían promulgado leyes de esta naturaleza que los perdones y amnistías generales promueven una atmósfera de impunidad para los perpetradores de violaciones de derechos humanos miembros de las fuerzas de seguridad y ha hecho constar su posición de que el respeto a los derechos humanos puede debilitarse si se garantiza esta impunidad. Además, en su observación general N° 20 (44) (art. 7) adoptada en aplicación del artículo 40, párrafo 4, del Pacto, el Comité afirma que las leyes de amnistía respecto a actos de tortura son incompatibles con la obligación de los Estados de investigar estos actos y de garantizar que no se produzcan en sus territorios.

553. La segunda de las leyes declara que la amnistía es irrevisable por parte de los jueces y que no constituye violación alguna de la Constitución ni de las obligaciones internacionales. En este sentido, los Relatores indicaron que el derecho a la revisión judicial es fundamental en cualquier democracia para la vigencia del estado de derecho. La labor inherente a un poder judicial imparcial e independiente es revisar acciones del Ejecutivo y del Legislativo y decidir sobre la legalidad de los actos de estos órganos del Estado, o sobre la aplicabilidad de una determinada legislación. El declarar la irrevisibilidad de una ley de amnistía no sólo viola los principios básicos de un estado de derecho, sino que también es contrario al espíritu de los artículos 3 y 4 de los principios básicos relativos a la independencia de la judicatura.

554. Con fecha 22 de agosto de 1995, el Gobierno respondió que la Ley de amnistía había sido dictada como parte del proceso de pacificación y como complemento de la Ley de arrepentimiento que benefició a más de 5000 personas condenadas por delitos de terrorismo y que comprendía medidas de excarcelación y de reducción de penas. Parte del mismo proceso son también todas las medidas que el Gobierno ha dictado en los últimos cinco años encaminadas a consolidar la pacificación y entre las que cabe destacar la flexibilización de la legislación antiterrorista, que deja sin efecto a partir del 15 de octubre de 1995 la figura de los "jueces sin rostro", la reforma carcelaria, la política de educación en materia de derechos humanos, el registro nacional de

detenidos, la Ley orgánica del Tribunal Constitucional, el funcionamiento del Consejo Nacional de la Magistratura y la aprobación de la Ley orgánica de la defensoría del pueblo. Además el Congreso está considerando un proyecto de ley para indemnizar a los deudos de víctimas de violaciones de derechos humanos.

555. Según el Gobierno, la Ley de amnistía fue dada por el Congreso amparándose en los artículos 102.6 y 139.13 de la Constitución, que otorga al Congreso la facultad de conceder la amnistía y le atribuye el status de cosa juzgada, siendo equivalente al fallo de la máxima autoridad judicial. Por otro lado, la Constitución establece que los tratados internacionales ratificados por el Perú son parte del derecho nacional y, por lo tanto, sujetos al orden constitucional como el resto del ordenamiento legal. Así pues, la facultad constitucional que tiene el Congreso de conceder la amnistía no sólo no contradice los tratados en la materia, sino que éstos no prohíben expresamente la aplicación de los artículos 102 y 139 de la Constitución.

Seguimiento de casos transmitidos anteriormente

556. El 26 de septiembre de 1994, el Relator Especial envió un llamamiento urgente al Gobierno en favor de María Elena Foronda y Oscar Díaz Barboza, quienes habrían sido detenidos en virtud de la legislación antiterrorista el 13 de septiembre de 1994. El 16 de enero de 1995, el Gobierno informó que el proceso investigativo se realizó de conformidad con los procedimientos legales y policiales pertinentes, no habiéndose producido maltrato alguno.

557. En 1993 el Relator Especial transmitió los casos de Alberto Calipuy Valverde y Rosenda Yauri Ramos, presuntamente fallecidos en Angasmarca, Santiago de Chuco a causa del trato que les fue infligido por parte de los militares. Con fecha 6 de octubre de 1995, el Gobierno informó que en el marco del proceso seguido contra el Mayor José Mayor Vázquez por el delito contra la vida, el cuerpo y la salud de los arriba mencionados, el Tribunal Supremo Militar Especial concedió el beneficio de amnistía previsto en la Ley 26479 al acusado.

Philippines

Information transmitted to the Government

558. By letter dated 18 September 1995 the Special Rapporteur advised the Government that he had received allegations of torture or ill-treatment in the cases described in the following paragraphs.

559. Ruben Palmones was reportedly approached on 10 August 1994 by a group of Philippine Army soldiers who presented themselves to him as members of the insurgent New Peoples Army (NPA) and asked him to join them. When he refused, the soldiers allegedly tied his hands with a nylon cord, struck him on the back repeatedly with a rifle butt and kicked him on various parts of his body. He was interrogated at the 22nd Infantry Battalion camp in Cabaran Pequeno, Camalig, Albay, and has since fled his home and taken refuge with relatives for fear of further abuse.

560. Renante Gamara, Pedro Baba Jr., Bonifacio Ilagan, Bernardo Aragoza, Ana Pagcaliwagan, Jose Patricio Valdenor, Gerardo Culibao and Amelita Gamarawere were arrested on 26 August 1994 in La Trinidad, Benguet, by officers of the Philippine National Police Corillera Regional Command (PNP-CRECOM). Hogtied and blindfolded with masking tape, they were transferred to a series of safe houses and allegedly subjected for over 40 hours to various forms of torture and ill-treatment, including beatings, hoodings with cloth sacks, games of "Russian roulette", and threats of rape and electrocution. They were charged with weapons possession, but the Benguet Provincial Prosecutor dismissed the charges and concluded that the true motive for their arrest was their alleged membership in the Communist Party of the Philippines, an organization which is legal. The arrests of the eight persons were declared invalid and the searches illegal, but surveillance of them was said to continue.

561. Glenn Barrios was reportedly blindfolded and detained on 8 February 1995 by members of the Eastern Police District Criminal Investigation Command of the PNP, who had falsely identified themselves as NPA members. He was taken to a safe house, where his interrogators allegedly placed a plastic bag over his head and beat him several times on the abdomen and head. Police officials later subjected him to threats, as a result of which he made an incriminating statement and was charged with murder.

562. Jerry Butial was arrested on 31 March 1995 by a joint team from the Western Police District Command and the Intelligence Security Group of the Philippine Army. The reason for the arrest was his alleged membership in the NPA and suspicion of involvement in the murder of a police officer in May 1994. He was taken blindfolded to a number of locations over the course of several days. His interrogators allegedly beat him on the head, placed a cloth in his mouth and poured water down his face, put a lighted bulb to his head, and directed a high-speed electric fan on him for a prolonged period.

Romania

Informations transmises au gouvernement

563. Par lettre datée du 23 mai 1995, le Rapporteur spécial a informé le gouvernement qu'il avait reçu des informations concernant Gheorghe Angel, du village de Dobra (commune de Sugag), et son fils, Dorin Angel. Tous les deux auraient été battus par un policier le 3 août 1994. Un médecin légiste d'Alba Iulia aurait délivré un certificat médical faisant état de plusieurs lésions corporelles causées par des coups portés à l'aide d'un objet contondant qui ont exigé huit à neuf jours de traitement médical.

Republic of Korea

Urgent appeals transmitted

564. The Special Rapporteur transmitted an urgent appeal on 22 February 1995 concerning Kim Su-wook, Lee Jae-ho, Lee Chong-bum, Lee Jung-min, Hwang Jin-su and Cho Chang-rae, who were among eight former student activists reportedly

arrested by the Military Security Command during the period 12 to 14 February 1995. A lawyer had been denied access to them at Military Security Command headquarters in Seoul, where they were being held.

Information received from the Government on cases included in previous reports

565. By letter dated 27 July 1995 the Government transmitted a reply to the urgent appeal the Special Rapporteur had transmitted on 21 June 1994 on behalf of Ahn Jae-ku, Ah Young-min, Ryu Nak-jin, Kim Sung-hwan, Kim Jin-bae, Jong Hwa-ryo, Jong Chang-soo, Hong Jong-hee and Park Rae-koon. These persons were arrested on 14 June 1994 by the Agency for National Security Planning (ANSP) in connection with alleged activities in support of the People's Democratic Republic of Korea. The Government provided details of their respective cases, including personal data and the charges against them. With respect to torture, the Government stated that the criminal law of the country prohibited acts of torture before, during and after the process of investigation. Officials engaging in such acts would receive severe criminal punishment, confessions obtained through torture were not valid as evidence and victims of torture would be paid compensation. For example, in August 1993 acts of torture against detainee Kim Keun-tae were acknowledged, four police officers involved were arrested and monetary compensation was offered to the victim. With respect to the above-mentioned persons, no problems concerning torture were raised before, during or after their investigation and trial processes.

566. The Government also replied to the cases of Lee Kun-hee and Choi Jin-sop, transmitted by the Special Rapporteur on 29 March 1994. Lee Kun-hee had allegedly been deprived of sleep and repeatedly beaten in ANSP custody following his arrest on 26 September 1992. According to the Government, he had been questioned by the public prosecutor on 7 October 1992 and had stated that no incidents of ill-treatment had occurred. No external wounds were found on him and he did not make any complaints or file any reports of being ill-treated either during or after the period in which his case was being handled. It was also untrue that he had been denied access to his family or lawyer and he had not filed any complaints in this regard.

567. With respect to the case of Choi Jin-sop, who was allegedly tortured in ANSP custody following his arrest on 14 September 1992, he had not reported or filed complaints of ill-treatment during the course of interrogation. In September 1992, the Seoul court accepted the complaint that he was being denied access to his family and lawyer and accordingly decided to allow him such access. At a trial on 20 January 1993, while being questioned by his lawyer, he stated that he had been subjected to ill-treatment, but the allegation was not verified in court.

Russian Federation

Information transmitted to the Government

568. By letter dated 18 September 1995 the Special Rapporteur informed the Government that he had received reports concerning the alleged torture or ill-treatment of persons in the course of operations conducted by the armed forces in the Chechen Republic since December 1994. According to the reports,

many detainees held in prison camps were beaten systematically in order to extract from them confessions admitting support of or loyalty to Chechen leader Dzhokhar Dudayev. Many such incidents occurred in January and February 1995 at "filtration points" in Grozny and Mozdok, as well as in investigation-isolation prisons established in Pyatigorsk and Stavropol. It was reported that persons detained at filtration points were not necessarily those involved in the armed conflict, but rather anyone who might be used in exchange for captured Russian soldiers.

569. The Special Rapporteur also transmitted the cases described in the following paragraphs.

570. Chingizkhan Uveysovich Amirkhanov, an Ingush living in Grozny, was reportedly approached on 9 January 1995 by members of the special police units of the Interior Ministry (OMON), and asked if he had any weapons. After he had surrendered a pistol, the officials took a watch and a ring from him. When he protested, they handcuffed him to a tree and prepared their automatic weapons, whereupon officers approaching in an armoured vehicle got out and allegedly beat him. He and other prisoners were loaded onto a truck and ordered to lie on their sides while an officer sat on each of them. They were later transported in railway carriages to the Mozdok region, where they were stripped naked and threatened with execution. Chingizkhan Amirkhanov was allegedly beaten continuously with truncheons during interrogation, as a result of which he lost consciousness. He was released on 16 January, reportedly after being forced to sign a document affirming that he had no complaints against the officials. He had suffered several fractured ribs, a broken nose and severe bruising.

571. Azamat Paragulgov, an Ingush living in Grozny, was reportedly detained on 1 January 1995 and accused of assisting the opposition forces. He was allegedly beaten and taken to a cellar, whereupon bullets were fired around him. He was then dragged out and beaten with automatic weapons while a rag was stuffed into his mouth. He was subsequently taken to a cannery and allegedly kicked and beaten with rifle butts.

572. Magomed Maksharipovich Meyriyev was taken from a bomb shelter with six other men on 3 January 1994 by Russian soldiers in Grozny to a cannery, where he was allegedly punched, kicked and beaten with rifle butts on his head and torso. While being transported to Mozdok for interrogation on 14 January, he was again beaten, including with truncheons. On 16 January the prisoners were moved to Pyatigorsk and Magomed Meyriyev was subjected to further beatings and a dog that had been set on him bit him in the leg and buttock. On 19 January the prisoners were moved to Stavropol and allegedly subjected to continued ill-treatment. Magomed Meyriyev was released in Mozdok on 15 February, having sustained around a dozen scars on his cheek from beatings with a rifle butt and scars on his leg caused by the bites. A doctor confirmed that the injuries were consistent with the ill-treatment alleged.

573. The Special Rapporteur also transmitted the case of Altuchov Andrey, from Oryol, who was reportedly arrested on 2 September 1993 by police on suspicion of robbery. He was allegedly beaten nearly to death and consequently sustained damage to his liver and kidney. An investigation conducted pursuant to a complaint filed with the public prosecutor and the Orlovsky regional

court was said to have been inconclusive. However, investigators reportedly failed to interview a detainee who witnessed the beating and a petition submitted to the Russian Commission on Human Rights went unanswered.

574. In a subsequent letter, dated 12 December 1995, the Special Rapporteur informed the Governments of reports he had received indicating that Arutyunyan Artyom and Karapetyan Karen had been detained by members of the District Anti-Crime Department of the North-West district of Moscow, after they had arrived at the office of a business firm for a meeting to collect a debt. They were said to have been falsely accused of blackmail and extortion. They were transferred to the Central Anti-Crime Department and reportedly beaten for about two hours. Arutyunyan Artyom was allegedly hung by the handcuffs from the ceiling and beaten on his chest, which resulted in the breaking of five of his ribs. He was taken to hospital on 21 November and on 24 November was transferred to a temporary detention centre (IVS) of the 157 police station, before being released on 30 November. Karapetyan Karen was reported to be held at the IVS, in a state of ill-health.

Urgent appeals transmitted and replies received

575. On 3 February 1995 the Special Rapporteur sent an urgent appeal concerning allegations that Russian forces had severely beaten and otherwise ill-treated people during the conflict in the Chechen Republic. One report indicated that a group of persons arrested in Grozny and taken on 9 January 1995 to the Russian military base in Mozdok had been clubbed and sat on by guards when they moved. It was also alleged that prisoners had suffocated during transport due to overcrowding, that prisoners had received little food or water and that they had been beaten during interrogations.

576. On 5 May 1995 the Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary execution, transmitted another appeal concerning the situation in the Chechen Republic. Information had been received alleging widespread abuses against the civilian population during the course of military operations. Between 100 and 300 civilian inhabitants of Samashki were said to have been killed during the course of a raid on the village by Russian soldiers beginning on 7 April 1995. Several hundred homes were reportedly destroyed and approximately half of the population of 15,000 were displaced, having fled to neighbouring villages. Some of the persons killed were allegedly summarily executed by soldiers after having been ordered to leave their houses. Other civilians were reportedly detained in camps in Assinovskaya and Mozdok. At the Assinovskaya camp, detainees were allegedly tortured or ill-treated, including by means of severe beatings and attacks by trained dogs.

577. On 15 August 1995 the Government replied that a combined detachment of 300 troops from the Interior Ministry forces and the Moscow and Moscow region militia special forces units were dispatched to Samashki on 6 April and, after negotiations had failed, the troops moved towards the village with no intention of entering homes. They came under heavy fire and thus were obliged to conduct defensive action at close quarters, during which homes were destroyed by the use of anti-grenade rocket launchers and mortar bombardment by fighters from the forest. Testimony by numerous witnesses did not confirm allegations of punitive action by the troops. Acting on the findings of an

investigation by an examining magistrate, the senior military procurator initiated criminal proceedings in connection with evidence of the crimes for premeditated killing. Testimony by village inhabitants revealed numerous instances of killing of civilians, theft and destruction of private property, including burning of villagers' homes. The military procurator's office did not receive any reports of summary executions of villagers by troops belonging to the federal forces. Investigations had been suspended by the blockade of the village by its inhabitants and investigation by local law enforcement agencies were hampered by the fact that the procurator's office and the Ministry of the Interior of the Chechen Republic had only recently resumed their activities. Because many of the soldiers who took part in the fighting had left the Chechen Republic, the main investigations were being carried out at the units' permanent bases.

Saudi Arabia

Information transmitted to the Government and replies received

578. By letter dated 18 September 1995 the Special Rapporteur advised the Government that he had received information indicating that the torture and ill-treatment of prisoners in Priman prison in Jeddah were widespread. It was reported that the prison had insufficient space for detainees to sleep, that temperatures sometimes reached as high as 54 degrees Celsius and that it lacked medical facilities to treat prisoners, many of whom were ill.

579. The Special Rapporteur also transmitted the individual cases described in the following paragraphs.

580. Four Christian prisoners, with the surnames Garcase (aged 89), Bile, Johanis and Caperey (correct spellings uncertain), were allegedly taken outside the prison on 13 July 1994 and severely beaten for failing to participate in a Muslim prayer session.

581. Muhammad Dahir Dualle, a national of Somalia, was reportedly arrested and beaten in Mecca on 14 August 1994 because he was not in possession of a passport. He was taken to Jeddah, and after failing to locate the house in which he had left the passport, was allegedly beaten severely, causing him to suffer a broken nose and profuse bleeding from his ears and nose. He was treated at hospital and taken to Priman prison. At the prison, he slipped and fell while carrying some books. In response, a soldier allegedly kicked him in the kidney and, as a result, he had to be transferred back to hospital. A doctor diagnosed a serious injury to his kidney and ordered that he refrain from normal work.

582. Gulam Mustafa, a national of Pakistan, was allegedly tortured on 23 May 1994 in a detention centre for drug offenders in Jeddah. Police personnel allegedly inserted an object into his penis and applied electric shocks, causing him to bleed. He was transferred to Priman prison with his penis bleeding heavily.

583. Osman Gheddi Guled, a national of Djibouti, was transferring planes for Cairo when he was arrested, reportedly after failing to pay a bribe to the authorities when khat, a herbal stimulant, was found in his luggage. His

passport and luggage with a large sum of money were seized and he was placed in detention. Several days later, he was taken for interrogation and asked for his passport. When he replied that it had already been confiscated, he was allegedly beaten unconscious. He spent several months in Priman prison, where he was allegedly subjected to further beatings. He was released more than two months after being found innocent by a tribunal.

584. By the same letter the Special Rapporteur reminded the Government of information transmitted on 3 June 1994 concerning the alleged ill-treatment of Iraqi refugees, regarding which no reply had been received. On 27 October 1995 the Government replied that the authorities at the national and local levels had treated the refugees in the same way as Saudi citizens and in some cases had accorded them special privileges to help them to maintain their traditions and preserve their identity. The refugees were treated in accordance with customary international law and the Geneva Conventions concerning the law of war, when they had been considered prisoners of war. After they were recognized as refugees, the Government had treated them according to international instruments concerning refugees or Saudi national law, consisting in the Islamic Shari'a. Initially, there were a few incidents involving infringements by some soldiers with little or no experience of refugee problems, but persons responsible for those infringements were invariably punished in accordance with Islamic Shari'a, as a result of which the situation at the camps had been brought under control. Refugees suspected of committing offences were investigated under the normal procedures in force in the country, in accordance with the Islamic Shari'a. Contrary to allegations, no refugees had died as a result of the investigation methods applied. Corporal punishment might have been required under the terms of legal judgements handed down against law-breakers. However, the authorities had endeavoured to restrict and even avoid its application to the refugees in light of their particular status and the penalty had been commuted and was not used against any of the refugees.

585. In its reply, the Government also mentioned several individual cases transmitted by the Special Rapporteur - those of Hadi Nasi Hussein, Abbad Ali Mahawi, Muhammad Hassan, Ali Sabah Ward, Basim Youssuf Ibrahim al-Shaimari and Asaad Ali Hussein al-Bashama. With the exception of Ali Sabah, they had not complained of ill-treatment to the authorities concerned or to the Office of the United Nations High Commissioner for Refugees (UNHCR).

Urgent appeals

586. The Special Rapporteur sent three urgent appeals on behalf of the persons mentioned in the following paragraphs, all of whom had reportedly been sentenced to flogging. The dates on which the appeals were sent are mentioned in brackets at the end of each summary.

587. Mohammed 'Ali al-Sayyid, an Egyptian national, was reportedly sentenced to a prison term of seven years and 4,000 lashes after being convicted of theft. He was allegedly removed with his legs shackled once every two weeks from al-Buraida prison in al-Qaseem province and taken to the marketplace, where he would receive from a police official 50 lashes with a bamboo cane of about one metre in length and one half centimetre in diameter. As a result of

this treatment, he usually suffered bruised or bleeding buttocks, leaving him unable to sleep or sit for three or four days afterwards. He was said to have thus far received 3,400 lashes (2 August 1995).

588. Ibrahim 'Abd al-Rahman al-Hudayf was reportedly sentenced to 300 lashes and 18 years' imprisonment after being convicted in a secret trial of participation in the planning of an attack on a security officer and of membership in the Committee for the Defence of Legitimate Rights (17 August 1995).

589. Hamid Bin Nazal Bin Mahbub al-'Anzi, Riad Bin Kuleyb Bin Salim al-Mutay, Morris Bin Sayf al-Sahli, 'Abd al-'Aziz Bin Zayd al-Sahli, 'Abdullah Bin Muhammad al-'Anzi, 'Aday Bin Tayib al-'Anzi, Hamdan Bin Salih Bin Hadi al-Mukhlis, Nawaf Bin Farraj al-Harbi, Nadir Bin Fahid Bin Musfir al-Dawsari, Salih Bin Muslih al-Shahri, and Mohammad Bin Abdullah al-Huta were reportedly convicted of charges in connection with membership of a criminal gang. They were sentenced to prison terms of between 2 and 15 years and to 200 to 1,500 lashes to be carried out 50 lashes at a time (18 September 1995).

Slovakia

Information transmitted to the Government and replies received

590. By letter dated 29 May 1995 the Special Rapporteur advised the Government that he had received information concerning the case of Cyril Dunka. He had reportedly been ill-treated by police in Krompahy on 22 June 1993, after he had illegally parked his car. Police officers were also said to have struck in the face Jozef Horváth, the brother of Cyril Dunka's wife, after he had failed to produce his identification. Three officers then allegedly started to beat Cyril Dunka, upon which he attempted to flee, stopping after a warning shot was fired. An officer subsequently hit him on the neck and he fell to the ground, whereupon he was allegedly kicked several times. At the local police station the beatings continued. He filed a complaint about the alleged ill-treatment with the investigator in Spišská Nová Ves on 6 July 1993. The complaint was rejected in November 1993, but on 21 September 1993 the investigator filed criminal charges against Cyril Dunka for assaulting a police officer.

591. On 14 September 1995 the Government replied that Cyril Dunka was convicted on 6 February 1995 of assault on a police officer and his appeal was dismissed on 18 April 1995. The district court had established that Cyril Dunka had physically assaulted a municipal police officer and then had fled the scene. When pursued by another officer, he did not obey the warnings to stop, but instead threatened the officer with a stone. The officer tripped Cyril Dunka and he fell face-down on the ground and injured himself. A medical certificate indicated that he had suffered an abrasion of the left cheek and an x-ray, taken two weeks later, revealed a fracture of the nose. The medical specialist had neither ruled out nor confirmed that the fracture had occurred on the date of the incident in question. The records indicated that no torture, tormenting treatment or undue violence had been carried out by municipal police and that they had used appropriate means to overcome the resistance of Cyril Dunka.

South Africa

Information transmitted to the Government

592. By letter dated 26 June 1995 the Special Rapporteur advised the Government that he had received information indicating that, despite the advent of a number of reforms in the operations of the South African Police Service (SAPS), torture and ill-treatment of persons in police custody continued to occur in the country. Most incidents of torture were said to take place during the 48- to 72-hour period during which police are authorized under the Criminal Procedure Act to detain an arrested person before presenting him or her to court. The methods of torture reported include beatings, rape and indecent assault, blindfolding, gagging, partial suffocation, tear-gassing, administration of electric shocks, prolonged suspension, painful handcuffing, sleep deprivation, food deprivation, enforced standing, withholding of medical treatment, subjection to mock executions and exposure to the torture of other persons. Torture was reportedly employed to obtain "confessions", to elicit information by "breaking down" persons physically and psychologically, and to inflict informal punishment.

593. A practice said to create conditions conducive to the occurrence of torture was that of holding detainees in police vehicles or unofficial places before taking them to police stations. Significant breaches of police procedure regarding the logging in of the time of arrest, the identity of the arresting officer or the time of arrival at police station were reported to be common. In addition, detainees were also frequently denied the opportunity to contact the outside world, resulting in the de facto occurrence of incommunicado detention.

594. It was reported that many victims of torture or ill-treatment were reluctant to file complaints against police officers for fear of reprisals, that in some cases police had brought spurious criminal charges against persons filing complaints and that in other cases police had refused outright to register complaints. The police reporting officer (PRO), established in 1992 to deal with the handling of such complaints, had been refused systematically access to dockets and information in certain areas of the country and had ceased to function entirely in other areas. Prosecutions were said to be rare, as the Attorney-General's office frequently declined to prosecute alleged perpetrators of assault or torture.

595. The Special Rapporteur also transmitted the individual cases described in the paragraphs below.

596. Jan Mokokeng, Moses Nzimande, Simon Ngubeni and Johannes Maduna were allegedly tortured between 27 and 31 December 1993, following their arrest by members of the Vanderbijlpark Murder and Robbery Unit in connection with a hand-grenade explosion in Vereeniging prison in December 1993. Jan Mokokeng, while held face-down on the floor with his arms handcuffed behind his back and tied to his feet, was allegedly doused with water and subjected to electric shocks to his temples, wrists, penis, left ear and right thigh. He was also allegedly beaten all over the body and threatened with death. Moses Nzimande, while blindfolded, hooded and bound, was also allegedly doused with water while electric shocks were administered to his penis, near his right eye and

to other parts of his body. He was then allegedly punched on his face and body and threatened with death. Simon Ngubeni, while hooded and bound, was allegedly doused with water and subjected to electric shocks to his penis, tongue, legs, hands and back. He was then allegedly punched in the chest, beaten repeatedly with a gun butt, threatened with death and his right wrist was broken. Johannes Maduna was allegedly punched, kicked and beaten on his face, head and body and threatened with electric shocks and death.

597. Brian Madsi, Mkhululi Mabandla, Michael Siyolo and Theo Mabusela, members of the Pan Africanist Congress (PAC), were reportedly tortured after their arrest in connection with the 30 December 1993 killing of four and wounding of seven persons at the Heidelberg Tavern in Observatory, Cape Town. Brian Madsi signed a confession after he was allegedly beaten, kicked in the ears, and stabbed in the penis with paper clips on 4 January 1994 at Aliwal North police station. He informed a magistrate about his treatment and was transferred to Bellville South police station in Cape Town, where he was allegedly subjected to electric shocks and hooding. He was later allegedly hung upside down for an entire day above a bucket of water and his head was lowered into the bucket when he refused to answer questions to the satisfaction of his interrogators. He lost consciousness and was hospitalized, resulting in his treatment for injuries to his ear, his arms and his wrists. He received a 25-year prison sentence and was continuing to suffer from ear problems as a result of his alleged treatment. Mkhululi Mabandla, arrested in January 1994, was allegedly struck with batons at the police station in Elliot and handcuffed and chained to a chair naked, beaten on the head and pierced in the penis with needles at Aliwal North police station. At Bellville South, police allegedly covered his face with a balaclava and placed a bag filled with water over his head, causing him to lose consciousness. Subsequently, he was allegedly subjected to electric shocks to his fingertips and taken to various police stations around Cape Town over the next 10 days, where he continued to be tortured. He received a 25-year sentence. Michael Siyolo was arrested on 3 January 1994 and held incommunicado at Bellville South and Table Bay Harbour police stations and at the security branch headquarters on Loop Street. He was allegedly slapped on the back, pinched in the ears, and subjected to prolonged standing. Theo Mabusel, arrested in January 1994 by the Unrest and Violent Crimes Unit during a press conference called to protest the arrest of Michael Siyolo, was detained at Bellville South, Caledon Square, Milnerton and Loop Street police stations. During his interrogation he was allegedly kicked, choked, his head hit against a wall, and struck by a number of police officers with the palms of their hands, causing him to suffer a ruptured eardrum. He urinated blood and was hospitalized and chained to his bed. His injuries were confirmed by medical reports.

598. Andile Tschiceka and Falubango Tanda, suspected members of the Azanian Peoples' Liberation Army (APLA), were reportedly arrested by police in Madedeni township, Natal, on 15 February 1994 and ordered to lie on the ground while they were beaten with rifle butts. Over the course of four days of interrogation they were allegedly beaten, suffocated with plastic bags, assaulted on their genitals and subjected to sleep deprivation. The torture prompted them to sign confessions to involvement in the murder of a woman at a

Newcastle nightclub. They were allegedly tortured for a further eight days while being questioned about other incidents. They received and were serving 25-year prison sentences.

599. Innocent Khuswayo, an ANC member, was reportedly arrested on 8 March 1994 in Ezakheni, KwaZulu Natal, by members of the Internal Stability Unit (ISU). He was allegedly subjected to electric shocks and hospitalized. The incident was said to be under investigation by the Ladysmith police.

600. J.T. Mokoena, a member of the South African Defence Force, was reportedly arrested on 8 April 1994 by members of the ISU for wearing a pair of camouflage trousers and suspicion of unlicensed firearm possession. He was allegedly assaulted with fists and the butt of a firearm and taken to a lake or river, where his head was forcibly submerged several times.

601. Jeffrey Gana, arrested by members of the South African police on 1 May 1994, was questioned at Diepriver police station as to how he had voted in the elections the previous day. When he refused to answer, he was allegedly beaten until he lost consciousness.

602. Simon Mqulwana was reportedly arrested on 5 July 1994 by detectives from the Murder and Robbery Unit, in connection with a massacre at St. James church the previous year. At Bellville South police station he was allegedly beaten repeatedly by several policemen, as a result of which he sustained a cut lip and other injuries. When it became apparent that he was not involved in the incident, he was released the next day by police, who apologized to him for the error.

603. Luyanda Gqomfa, a suspected member of the APLA arrested on 13 July 1994 on a firearms possession charge, was transferred from Port Elizabeth to Bloemfontein, where he was allegedly chained and handcuffed and his face was covered with a balaclava. He was driven to a secluded part of town and allegedly beaten continuously, while police demanded that he confess to involvement in the killing of white farmers in the Orange Free State and to participation in the St. James church massacre. He was taken before a magistrate whom he informed that he had been assaulted and that he needed medical attention. He was thereafter transferred to Bellville South police station and allegedly interrogated under torture by members of the Murder and Robbery Unit. His torture was said to include partial suffocation by means of a plastic bag placed over his face. He was reported to be awaiting trial at Pollsmoor maximum security prison.

604. Philani Mbuku was reportedly assaulted by members of the Internal Stability Division (ISD) in August 1994, during a raid on his home in a squatter camp at Phola Park, Western Cape. He was allegedly beaten continuously as he was dragged out of the camp to police vehicles on Lansdowne Road.

605. Phikisile Rumbu, a former Umkhonto we Sizwe (MK) member, was reportedly arrested in September 1994 and taken to Pretoria police station, where was allegedly beaten severely until he vomited blood.

606. Babini Bandla, arrested on 29 October 1994, was allegedly assaulted by police in the Blakeway police station, Transkei, in the presence of two members of the Murder and Robbery Unit. Two days later he was taken in the boot of a car to the offices of the Murder and Robbery Unit in Bellville South, where his hands were bound, he was thrown to the floor and detectives sat on his back and pulled a wet sack over his head. This abuse was allegedly repeated two days later. He was taken to the district surgeon on 4 November 1994 and it was revealed that injuries had been sustained to his right ear and back. The Attorney-General declined to prosecute members of the Murder and Robbery Unit for the alleged assault, but Transkei police were said to be investigating his assault during transit.

Spain

Información transmitida al Gobierno y respuestas recibidas al respecto

607. Por carta de 11 de abril de 1995, el Relator Especial transmitió al Gobierno los 17 casos que figuran en los párrafos siguientes, a los cuales el Gobierno respondió con fecha 18 de julio de 1995.

608. José Domingo Aizpurua Aizpuru fue detenido cuando se disponía a abandonar la prisión de Fleury Mérogis (París) el 2 de junio de 1994 y entregado a la guardia civil española en la frontera de Irún. En el trayecto entre esta ciudad y San Sebastián habría sido golpeado. Tras llegar a un cuartel que no pudo identificar por tener la vista tapada habría sido repetidamente golpeado, habría sufrido intentos de asfixia mediante una bolsa de plástico colocada en la cabeza y se le habrían aplicado electrodos en varias partes del cuerpo. Este trato se habría prolongado durante 11 ó 12 horas. Posteriormente habría sido trasladado a Madrid donde se le habría sometido a interrogatorio y habría sido golpeado reiteradamente.

609. Josu Unsión Pabolleta fue detenido el 3 de junio de 1994 en su domicilio de Bera de Bidasoa, Navarra, por miembros de la guardia civil que lo trasladaron al cuartel del Antiguo, San Sebastián, donde habría recibido gran cantidad de golpes mientras era interrogado. Unas horas más tarde fue trasladado a las dependencias de la guardia civil en Madrid. Durante dos días habría sido sometido a interrogatorios en el curso de los cuales habría sido golpeado, se le habría aplicado electricidad en distintas partes del cuerpo, habría sufrido intentos de asfixia mediante una bolsa de plástico colocada en la cabeza, se le habría obligado a hacer flexiones hasta el agotamiento y se le habría mantenido en aislamiento sensorial.

610. Joseba Camio Fuente fue detenido el 3 de junio de 1994 en su domicilio de Pasaia Antxo, Guipuzcoa, por miembros de la guardia civil que lo trasladaron al cuartel del Antiguo, San Sebastián. En este lugar habría sido sometido a interrogatorio en el curso del cual habría sido golpeado, se le habría colocado una bolsa de plástico en la cabeza para impedirle respirar y se le habría aplicado corriente eléctrica. Esto habría durado aproximadamente de las 3.30 a las 8.00 horas. A continuación fue trasladado a las dependencias de la Dirección General de la guardia civil en Madrid, donde un trato similar al descrito habría continuado durante dos días.

611. José Francisco Lizaso Azkonobieta fue detenido el 5 de junio de 1994 en su domicilio de Usurbil, Guipuzcoa, por miembros de la guardia civil que lo trasladaron al cuartel del Antiguo, San Sebastián. En este lugar habría sido sometido a interrogatorio, en el curso del cual habría sido golpeado y se le habría colocado una bolsa de plástico en la cabeza para impedirle respirar. Algunas horas después fue trasladado a las dependencias de la Dirección General de la guardia civil en Madrid, donde habría recibido un trato similar al descrito (corriente eléctrica, golpes, flexiones, etc). El Gobierno informó que se habían practicado varios informes médicos, concluyendo los mismos que existían lesiones recientes. En base a ellos y al del médico forense del juzgado de instrucción N° 2 de San Sebastián conforme al cual no se podía determinar la etiología ni el mecanismo de producción de las lesiones el juzgado acordó sobreseer el caso. Ahora bien, la sección segunda de la Audiencia Nacional revocó el auto de sobreseimiento y ordenó se tomara declaración a los guardias civiles que intervinieron en la detención, interrogatorio y traslado del Sr. Lizaso.

612. María Encarnación Martínez Fernández fue detenida en su domicilio de Usurbil, Guipuzcoa, el 5 de junio de 1994, por miembros de la guardia civil. Pocas horas después fue trasladada a dependencias de la Dirección General de la guardia civil en Madrid, donde habría sido repetidamente golpeada, se le habría colocado una bolsa de plástico en la cabeza y habría recibido descargas eléctricas. Tres días más tarde el juez de la Audiencia Nacional decretó su puesta en libertad sin cargos. A consecuencia del trato recibido tuvo que ser ingresada en el Hospital Provincial de Guipuzcoa el día 10 de junio, permaneciendo allí hasta el 14 del mismo mes.

613. José Ramón Díaz Sanz y Emilio Collazos Vega fueron detenidos el 2 de marzo de 1994 en Vitoria después de que intentaran atracar un banco. Trasladados a las dependencias policiales habrían recibido, durante aproximadamente tres horas, una gran cantidad de golpes violentos. También habrían recibido amenazas para que no denunciaran ante el juez el trato de que habían sido objeto. El Gobierno informó que, según informe del médico forense, los detenidos presentaban lesiones leves. El Juzgado de Instrucción N° 2 de Vitoria-Gasteiz decidió incoar diligencias previas, en el marco de las cuales se han venido practicando ruedas de reconocimiento y dos policías han prestado declaración como imputados.

614. Sebastián Prieto Jurado fue detenido el 18 de diciembre de 1994 en Atarrabia (Nafarroa), por miembros de la guardia civil que lo trasladaron primeramente a la Comandancia de Iruñea y posteriormente a la Dirección General de la guardia civil en Madrid. Según informó a sus abogados, sufrió tirones de pelo, fuertes golpes en la cabeza y en el resto del cuerpo, intentos de asfixia con una bolsa de plástico colocada en la cabeza y descargas eléctricas. A consecuencia del trato recibido habría sido ingresado en el Hospital Universitario San Carlos de Madrid primero y posteriormente en el Hospital Penitenciario de Carabanchel.

615. Iñaki Cañas Cartón fue detenido en las mismas circunstancias que Sebastián Prieto Jurado. También habría sufrido golpes, intentos de asfixia y descargas eléctricas primeramente en la comandancia de Iruñea, Pamplona, y con posterioridad en la Dirección General de Madrid. En este último lugar se le

habría obligado también a hacer flexiones durante largo rato. Al prestar declaración ante el juez de la Audiencia Nacional habría denunciado las torturas sufridas.

616. Haritz Arnaiz Laskurain fue detenido junto con Sebastián Prieto Jurado e Iñaki Cañas Cartón y llevado a las mismas dependencias. También habría sufrido golpes reiterados, tirones de pelo, intentos de asfixia, descargas eléctricas, se le habría obligado a hacer flexiones y se le habría retorcido un brazo que tenía escayolado.

617. Julia Makuso Zabala fue detenida en Ansoain, Nafarroa, el 18 de diciembre de 1994 por miembros de la guardia civil que la trasladaron primeramente a la comandancia de Pamplona y posteriormente a la Dirección General en Madrid. Habría sido sometida a torturas tales como intentos de asfixia, intentos de ahogamiento mediante sumergimiento de la cabeza en agua, descargas eléctricas y habría sido forzada a permanecer desnuda. El 21 del mismo mes fue puesta en libertad sin haber sido presentada ante un juez.

618. Gorka Urbiola Monteiro fue detenido en su domicilio de Barañain, Nafarroa, el 18 de diciembre de 1994, por miembros de la guardia civil. Trasladado primeramente a la comandancia de Iruñea y posteriormente a la Dirección General de Madrid, habría sufrido golpes reiteradamente, intentos de asfixia y privación de sueño. En la declaración efectuada ante el juez de la Audiencia Nacional habría denunciado el trato recibido.

619. Asier Lasa fue detenido el 18 de diciembre de 1994 en su domicilio de Barañain, Nafarroa, por miembros de la guardia civil que lo trasladaron primeramente a la comandancia de Iruñea y con posterioridad a la Dirección General de Madrid. Durante los tres días que permaneció en d tención habría sido objeto de golpes con guantes de cuero e intentos de asfixia. Fue puesto en libertad sin cargos.

620. Joseba Kamio Fuente fue detenido en su domicilio de Pasaia (Guipuzcoa), el 19 de diciembre de 1994, por miembros de la guardia civil que lo condujeron a la comandancia del Antiguo en San Sebastián, donde habría sido sometido a golpes e intentos de asfixia. Posteriormente fue trasladado a la Dirección General de Madrid, en un viaje de varias horas durante las cuales sonaba la música de una radio a un volumen exageradamente alto. También en Madrid habría sido sometido a golpes e intentos de asfixia, además de descargas eléctricas. Habría relatado el trato recibido en el curso de la declaración efectuada ante el juez central de instrucción N° 1 de la Audiencia Nacional.

621. Iker Arnaiz Laskurain fue detenido en su domicilio de Andoain, Guipuzcoa, el 20 de diciembre de 1994, por miembros de la guardia civil que lo trasladaron primeramente a la comandancia del Antiguo y con posterioridad a la Dirección General en Madrid. En ambos lugares habría sido sometido a golpes, intentos de asfixia, descargas eléctricas y se le habría obligado a hacer flexiones repetidamente. El 24 del mismo mes fue puesto en libertad sin cargos.

622. Olatz Goinetxea Erauskin fue detenida en su domicilio de Pasai-Antxo (Guipuzcoa) el 20 de diciembre de 1994 por miembros de la guardia civil que la

condujeron primeramente al cuartel y con posterioridad a la Dirección General de Madrid. Durante dos días habría sido sometida a torturas tales como golpes, intentos de asfixia y corriente eléctrica.

623. Jon Arrizabalaga Leiñena fue detenido en su domicilio de Pasai-Antxo, Guipúzcoa, el 20 de diciembre de 1994, por miembros de la guardia civil que lo condujeron primeramente a la comandancia del Antiguo en San Sebastián y con posterioridad a la Dirección General en Madrid. Habría sido sometido a golpes, intentos de asfixia y corriente eléctrica. El 22 del mismo mes, y tras prestar declaración ante un juez de la Audiencia Nacional, fue puesto en libertad sin cargos.

624. Además de los casos a los que el Gobierno se refirió de manera específica, éste indicó que todas las demás personas mencionadas habían sido detenidas por realizar actividades en favor de la banda armada ETA. En el marco de este tipo de detenciones es habitual, por parte de los afectados, denunciar la existencia de malos tratos. Ahora bien en ningún momento, durante la detención, traslado y permanencia en las dependencias policiales, se produjeron tales malos tratos.

Sri Lanka

Information transmitted to the Government

625. By letter dated 18 September 1995 the Special Rapporteur advised the Government that he had received information about Vijayan Vimalendran, who was reportedly detained on 2 October 1993 in Colombo by members of the Military Intelligence Unit. At an unknown place of detention, officials allegedly bound his hands and legs with chains, beat him with broom handles on the soles of his feet and poured petrol over his head, after which they covered his head with bags. He was kept blindfolded for most of his detention, which lasted until 11 December 1993.

626. The Special Rapporteur also informed the Government of further reports he had received with respect to the case transmitted on 5 August 1994 of Arulappu Jude Arulrajah, who had allegedly been tortured by army officials after his arrest on 2 October 1993. The Government had replied on 2 November 1994 that a medical examination had not revealed injury to his genitals, as alleged. The source of the allegations had since indicated that, although allegations with respect to the cutting of his genitals were apparently not reported to the junior medical officer conducting the examination, the officer had found at least 27 scars consistent with the allegation made of assault with clubs, kicks and suspension by the wrists with ligature. The source also provided the Special Rapporteur with a certified copy of that medical report, as submitted to the court of appeal. In addition, the source expressed the following concerns regarding the detention of Arulappu Jude Arulrajah at Panagoda army camp: that while the camp was made an authorized place of detention on 1 October 1993, that information was not published in the Official Gazette until 15 February 1994; that the detained should not have been held at Panagoda beyond the 24-hour period during which the army is required to hand over a suspect to the police; and that the army had not informed the Human Rights Task Force (HRTF) of his arrest, as required by the Emergency Regulations.

Information received from the Government

627. On 5 January 1995 the Government sent to the Special Rapporteur a publication by the Ministry of Foreign Affairs entitled Sri Lanka - Human Rights, detailing measures taken towards the implementation of its programme to promote human rights. Relevant to the mandate of the Special Rapporteur was information that a bill to give effect to the Convention against Torture had been passed by Parliament on 25 November 1994.

628. On 30 November 1995 the Government provided the Special Rapporteur with further information regarding measures recently undertaken by the Government and already existent safeguards concerning his mandate. In this respect, a bill to establish a Human Rights Commission of Sri Lanka, presented in Parliament on 24 August 1995, was expected to be taken up for debate in January 1996. The right that no one shall be subjected to torture, inhuman or degrading treatment or punishment is incorporated into article 11 of the Constitution as non-derogable. The Supreme Court of Sri Lanka is empowered to receive complaints concerning violations of this right and to grant appropriate relief. Officials who are the objects of such complaints are not defended by the Attorney-General, but rather must retain their own counsel. The courts also have the discretion to release persons detained under the Emergency Regulations. In order to extend the period of detention beyond the maximum of one year, a suspect must be produced before a magistrate. Every person admitted to prison is examined by a doctor. Corporal punishment, either in the form of punishment or as a disciplinary measure, had been suspended during the last 10 years. Members of the HRTF are given access to persons arrested under the Prevention of Terrorism Act or the Emergency Regulation and may enter at any time any place of detention.

Sudan

Information transmitted to the Government

629. By letter dated 18 September 1995 the Special Rapporteur advised the Government that he had continued to receive information indicating that the torture of detainees by security officials in the country was systematic. The methods of torture reported include severe beatings, enforced lying on hot metal plates until the skin is badly burnt, enforced standing for prolonged periods in the sun, physical contortion and enforced repetitive exercising.

630. The Special Rapporteur also transmitted the individual cases described in the following paragraphs.

631. Osman Mahmud Ali and al-Hassan Ahmad Saleh were among 10 persons reportedly tortured after their arrest in April 1993 on suspicion of conspiring to cause acts of sabotage. Some of the detainees were allegedly beaten with whips and hosepipes while bound hand and foot, sometimes naked. Osman Mahmud Ali was allegedly subjected to the following treatment: beatings, including by karate methods; being forced to lie naked on hot iron sheets until his skin was burnt; being forced to lie on sun-heated cartridge cases while a security official was standing on his back, causing burns and skin cuts; and having pins inserted into his ears. Al-Hassan Ahmad Saleh was allegedly beaten so severely that he lost an eye. The ten defendants

testified about their treatment during their trial in January 1994, as a result of which the court ordered medical examinations. The examinations confirmed the torture allegations in five cases, including those of the two above-mentioned persons, but no action was reportedly taken against the officials responsible for the torture.

632. Ali al-Mahi al-Sakhi, President of the Central Foundry Workers Trade Union in Sudan, was reportedly arrested along with five other persons in June 1994 in connection with union activities. He was allegedly tortured in a secret detention centre in Khartoum. It was unknown whether he was ever released.

633. Abdallah Yusif, aged 65, and Mahanna Muhammed, Christian converts from Islam, were reportedly convicted of apostasy and sentenced to lashing and crucifixion by an Islamic court in Wad Medani on 18 July 1994. Abdallah Yusif was reported to have received four lashes before collapsing, while Mahanna Muhammed was said to have received 100 lashes as prescribed by the court. The two men were subsequently granted a stay of execution.

634. Abdalmonim Rahama, a trade unionist arrested from his sick bed by security officers on 11 September 1994, was reportedly taken to a secret detention centre in Medani, Gazira province, and allegedly tortured to death. Officials returned his body to his family on 15 September 1994 with the explanation that he had died from malaria, but the corpse was said to bear clear marks of torture.

635. Safi Al-Tayeb Safi, a medical doctor arrested at his home in Khartoum North on 9 January 1995, was allegedly tortured and released the same night. Upon his arrival home, he reportedly was coughing up blood and bleeding from the ears. On the way to hospital, he fell into a coma and died.

636. Widad Hassan Ali Karrar, Samira Hassan Ali Karrar, Alia Hassan Ali Karrar, Mahasin (wife of Bashir El Tayid), Souad Abdelrahim and Awadis Mirgani were among 28 women and children allegedly beaten severely by security officers on 25 February 1995 during a demonstration at the university in Khartoum. They had been protesting the execution in April 1990 of their relatives, 28 army officers. Widad Hassan Ali Karrar allegedly was grabbed by the hair and her head was beaten against a wall, resulting in her hospitalization. The other persons named above were allegedly beaten at security offices in Khartoum North. They were subsequently transferred to security headquarters where they allegedly were beaten again, threatened with rape, and forced to stand on the roof of the building for a prolonged period in severe heat.

637. Yasir al-Tayyib Uthman was allegedly beaten on 22 and 23 May 1995 in Sennar by security forces. He was also required to report to the offices of the security forces on a daily basis. The beatings were said to have been carried out as a reprisal for the activities of his brother, Zayn al-Abidin al-Tayyib Uthman, who is chairman of the Sudanese Victims of Torture Group (SVTG) in Cairo. Sudanese security officials had reportedly contacted the brother in Cairo to demand an end to his SVTG activities and, when he refused, to have threatened to harm his family.

638. The Special Rapporteur also informed the Government that he had received reports according to which torture is used by soldiers and military intelligence officers to extract information from civilians in the course of the conflict with the Sudan People's Liberation Army (SPLA) in the Nuba mountains. Detainees held in army garrisons were said to be kept for prolonged periods in deep covered holes, tied up without food and little water. The rape of women by soldiers and militiamen during the conduct of such operations and in government established "peace camps" was reported to be widespread.

639. The Special Rapporteur transmitted to the Government the individual cases in the Nuba mountains summarized in the paragraphs below.

640. Barnaba Abdel Rahman Abu Salah was reportedly beaten and taken to the garrison at Um Sirdiba by soldiers who had approached him on his farm in Karkaraya on 3 May 1995. After he denied being a member of the SPLA, the soldiers allegedly tied his hands behind his back to his feet and threw him into a deep pit. (There were reported to be a number of such pits at the garrison, each containing a prisoner.) He was then dragged out and thrown back into the pit six times in succession, after which the soldiers allegedly beat him on his testicles with a stick, walked on his chest with their boots, forced a stone into his mouth and interrogated him with a gun to his neck. The beatings thereafter continued and he bled from his eyes as a result. He was reportedly thrown back into the pit, which was covered with a zinc sheet, and was left there for four days with no food and little water. He was released when a relative, who was a policeman, passed through the camp and assured the soldiers that he was not an SPLA member. He was said to suffer permanent injuries as a result of his torture.

641. Hussein Um Dabalo Angalo, a farmer in Nukta village in the Moro hills, and his son, Abdel Majid, were reportedly stopped by soldiers at the garrison bridge on the road from Kadugli to Um Sirdiba in April 1995. Hussein was allegedly subjected to mock executions and beatings with guns and an axe, causing him to bleed on the top of his head and temple. The two detainees were taken to Um Sirdiba garrison and interrogated by military intelligence officers, who tried to get them to confess to SPLA membership. Hussein was allegedly beaten by the sergeant major, Abdallah, with a club on the spot where he had already sustained an axe wound. He and his son were thrown into a pit, which was covered with a sheet of zinc. They were kept in the hole for seven days, only being let out to go to the toilet. Hussein was said to have been denied medical treatment for his injuries.

642. Mahjoub Tiya Kuku, a farmer from Lindu village, was arrested on 18 April 1995 by soldiers under accusation of SPLA membership and taken to the garrison at Turoji. He was tied up and kept in a deep pit with a zinc cover without food and with little water for three days. He was then taken for interrogation, during which the sergeant tried to get him to admit to SPLA membership.

643. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

Urgent appeals transmitted to the Government and replies received

644. The Special Rapporteur made 14 urgent appeals on behalf of the persons mentioned in the following paragraphs, to some of which the Government provided replies. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

645. Mohammed Abdelhamid, a student at Al-Nilein University and member of the Democratic Front, was reportedly arrested on 15 November 1994 and taken to an unknown location, possibly a secret detention centre in Khartoum. He was said to be in poor health (22 December 1994).

646. Mustafa Abdel Gadir, a lawyer and member of the Council of the banned Sudanese Bar Association, and Ali Mahamoud Hassanian, a lawyer and leader of the opposition Democratic Unionist Party (DUP), were reportedly ill-treated on 3 December 1993 at the offices of the Sudanese security forces, having been ordered to report there the previous day during a search of their houses. During interrogation they were allegedly forced to stand against the wall for several hours with their hands up. They were said to have been released, but then detained again on 5 December (9 January 1995).

647. On 4 April 1995 the Government replied that neither Mustafa Abdel Gadir nor Ali Mahamoud Hassanian had been arrested by security agents. They were leading their normal life and practising their professions.

648. Tobias Atede, a non-governmental organization (NGO) relief coordinator, Louis Gore, a town planner, Christopher Gore, former Commissioner of Juba, Richard Roman, a civil servant, Luke Subek, an agriculturalist, and Dr. Venusto, a civil servant, were among 14 persons reportedly arrested in Juba on 5 and 6 December 1994. The five named civil servants were employed in the Equatorial State Ministries of Engineering (Town Planning), Agriculture and Housing. They were said to have been detained because of their reluctance to implement the distribution of land around Juba to northern Sudanese NGOs who are alleged to make conversion to Islam a condition for receiving relief. Their place of detention was unknown (19 January 1995).

649. Kamal Abualgasim was arrested in the morning of 28 February 1995 in Khartoum, allegedly for taking part in the annual family commemoration of the execution of 28 army officers in 1990. His family had not heard from him since his arrest and has been unable to obtain information about his place of detention or the charges brought against him (9 March 1995).

650. Sayed Sadig El-Mahadi, President of the Umma party, was reportedly arrested by the security authorities on 16 May 1995 and taken to a secret detention centre (26 May 1995).

651. On 23 June 1995 the Government replied that Sayed Sadig Elmahadi was under arrest in accordance with the National Security Law and was being treated according to the provisions of that law and not subjected to any torture or inhuman or degrading treatment. On 2 August 1995 the Government provided to the Special Rapporteur a copy of the National Security Law.

652. The following persons, associated either with the banned Umma political party or with the leadership of the Ansar religious order, were reportedly arrested in May 1995 and detained in the security services wing of Kober prison in Khartoum: Fadlalla Burma Nasir, a former cabinet minister; Ali al-Omda Abdel Magid, a former member of parliament; Abdel Nabi Ali Ahmad, a former Governor of Darfur; Tebira Idris Habani, a former member of parliament; Ali Hassan Taj al-Din, a former member of the State Supreme Council; Abu Bakr Abdel Magid al-Amir, secretary to a former Prime Minister; Hussein Adam Salama, former secretary of the Umma party headquarters; Abdel Mahmud Abu, an imam of the Ansar religious order; Tirab Tendal, a prominent member of the Ansar religious order; Sheik Abdallah Ishaq, imam of the al-Mahdi mosque; and Ahmad Musa. They were reportedly being held incommunicado, without access to lawyers or to their families (6 June 1995).

653. Dr. Hashim Zeyada and Dr. Giueseppe Meuo (an Italian national), both medical personnel with the humanitarian relief agency Comitato Colaborazione Medica, were reportedly arrested on or around 29 May 1995 in Pariang by officials of the Sudanese Army stationed in Bentiu (8 June 1995).

654. On 12 June 1995 the Government replied that the two doctors had entered the Sudan illegally. The Government had lodged a strong protest with the United Nations Department of Humanitarian Affairs concerning the "hostile activities" of the United Nations Coordinator for Operation Lifeline Sudan (OLS) in Nairobi, as Giuseppe Meuo had entered the Sudan without a visa on an aircraft belonging to OLS. Giuseppe Meuo was detained by the Sudanese authorities and was moved to Khartoum for interrogation. The Italian Ambassador in Khartoum had been given access to him.

655. Hassan Hussein, Abdallah Musa, Mahjoub al-Zubeir, Ali al-Khattib, Haj Musa 'Abd al-Rahim, Moatssim Siam, Sulieman Khalaf Allah, Khalil Osman Khalil, Galal Ismail, Abdul Rahman Al-Amin, Imad Ali Dahab, Said Ashakir, Faqiri Abdallah, Abdul Azim Abdullah and Mahir Mekki were reportedly arrested in late May 1995 in Port Sudan by security officials and had since been held without charge (17 August 1995).

656. An urgent appeal was made in conjunction with the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights in the Sudan, in connection with incidents following a series of mass demonstrations beginning on 9 September 1995 at Khartoum University and continuing at various locations. A number of persons had been wounded or killed when security forces reportedly opened fire on the demonstrators at Khartoum University. It was alleged that security forces had been instructed to break the arms of demonstrators and that the arms of 17-year-old student, Mutaz Abdel Mon'im Khalif, were broken. A large number of persons had also been arrested and were being held incommunicado at unknown locations. These were said to include the following lawyers: Mustafa Abdel Gadir, former secretary-general of the banned Sudan Bar Association; Ali El-Sayed, former member of the Sudan Bar Association; and Bushra Abdel Karim, former secretary-general of the Sudanese Youth Union (19 September 1995).

657. An urgent appeal was made in conjunction with the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in the Sudan concerning Abdel Bagi Mandela, Mudathir 'Abd al-Rasikh, Ibrahim Fateh al-Rahman, Muhi al-Din al-Galad, 'Abd al-Rahmand Ali al-Bashir, Adlan Ahmad Abdelaziz, Awad Bahsir, Lenin al-Tayib, Mohamed al-Mustapha, Muataz Abdallah, Yasir Mohamed Ali, Tariq Yousif, Usama Siddiq Yousif, Mohamed al-Sadiq, Mohaid Mohammed Ahmad Siddiq. They were among 22 persons reportedly arrested by security officials on 2 September 1995 from a house in al-Thawra, a suburb of Omdurman. In addition, Mohamed Abdel Karim, an Islamic cleric and teacher at Qur'an al-Karim University in Khartoum, was reportedly arrested on 1 September 1995 at his home in al-Kalakala, a suburb of Khartoum. Four foreign nationals were arrested with him, including 'Abd al-Fattah, an Egyptian national, 'Abd al-Aziz, a Tunisian national and two Algerian nationals identified only as Adam and Issam. All of these persons were said to be held incommunicado in an unknown place of detention (21 September 1995).

658. A joint appeal with the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in the Sudan was sent on behalf of trade unionist Siddiq Yousif, and lawyers al-Bagir Hassab al-Rasoul, Abdallah Meshawi and Kamal al-Gizouli. Kamal al-Gizouli was arrested on 17 September and the others were arrested on 12 September 1995. They were reportedly being held incommunicado at an unknown location (25 September 1995).

659. Salah Samareit, who suffers from medical ailments, was reportedly arrested by the security forces on or around 26 September 1995 and was being held in an unknown location. On 10 October 1994 he had completed a 22-month term of imprisonment. Prior to that imprisonment he allegedly had been tortured at a secret place of detention (12 October 1995).

660. Shihab Ali Yousif, a student at the University of Omdurman, was reportedly arrested in September 1995 and was presented on national television, accused of tearing up a copy of the Koran and desecrating a mosque. He was allegedly tortured in custody (17 October 1995).

661. A joint appeal was made in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of the following political activists: Saudi Darraj, Ali al-Mahi al-Sakhi, Ahmad Osman, all trade unionists; Atif Haroun; Kamal 'Abd al-Karim Mirghani; Yahya Mukwar, a former member of the Democratic Unionist Party (DUP); and Awad Gibreel. They were reportedly arrested on or shortly after 12 September 1995 and were being held incommunicado by the security services at an unknown location (18 October 1995).

662. In a communication dated 12 December 1995, the Government provided a list to the Special Rapporteur of 58 persons who had been released pursuant to a general amnesty.

Syrian Arab Republic

Information transmitted to the Government and replies received

663. By letter dated 31 July 1995 the Special Rapporteur advised the Government that he had received information indicating that the torture of persons detained for political reasons in the country was systematic. Emergency legislation brought into force in 1963 allowed for the preventive detention of persons suspected of endangering public security and order. These powers were said to be exercised outside any judicial control by a number of security branches, most often by al-Amn al-Siyassi (Political Security) and al-Mukhabarat al-'Askariyya (Military Intelligence). Arrests by the security branches were generally made without warrant. Persons arrested by the security branches were said usually to be held incommunicado, without access to lawyers, medical doctors, relatives or the courts. Information as to an arrested person's place of detention and the reasons for arrest reportedly were not usually communicated to the family. Incommunicado detention was reported to occur for lengths ranging from a few weeks to years.

664. The Supreme State Security Court (SSSC), which deals with political and security cases, reportedly lacks independence from the executive branch. It is accountable only to the Minister of the Interior and does not have the power to supervise the activities of the security forces with respect to the treatment of detainees. The SSSC reportedly admits routinely confessions alleged to have been extracted under torture or ill-treatment. Most of the 500 or more defendants on trial before the SSSC since July 1992 have reportedly stated in court that they had been tortured. None of these persons, however, was known to have been medically examined and no investigations into their allegations were known to have been carried out.

665. Torture is allegedly practised to extract information or "confessions" and as a form of punishment. The methods of torture reported include: falaqa (beating on the soles of the feet); dullab (tyre), whereby the victim is hung from a suspended tyre and beaten with sticks and cables; pouring cold water over the victim's body; and al-Kursi al-Almani (the German Chair), consisting of bending a metal chair on which the victim is seated so as to cause extension of the spine, severe pressure on the neck and limbs, respiratory difficulties, loss of consciousness and possible fracturing of the vertebrae.

666. The Special Rapporteur communicated the case of 'Ali Kamel Ahmad, who was reportedly arrested on 28 October 1993 in connection with alleged Party for Communist Action (PCA) activities and held incommunicado for four months at the Palestine Branch of Military Intelligence. He was allegedly tortured continuously, including by the German Chair method and by the removal of his fingernails. He suffered broken teeth, a disfigured wrist with the bone protruding, a broken arm, and an injured right ankle as a result of his treatment. He was brought before the SSSC on 31 January 1995, but his trial was postponed. He had reportedly been prevented from submitting to the SSSC a request for a medical examination and a complaint regarding his alleged torture.

667. The Special Rapporteur also transmitted the case of Kamil 'Adla, a student at the Science Institute in Damascus, who was arrested around the same time as 'Ali Kamel Ahmad, also in connection with PCA involvement. He was allegedly subjected to torture, including by the German Chair method. He was said to be held at Adra prison awaiting trial by the SSSC.

668. On 31 August 1995 the Government replied that torture was forbidden under the Syrian Constitution and persons violating this prohibition were subject to imprisonment for a period of three months to three years. During the previous year, about 40 officials had been prosecuted for violating, on their own initiative, the rules concerning treatment of and acceptable conduct towards detainees. They had been sentenced to various penalties. There also exists an Office for Grievances attached to the Office of the President of the Republic, established under the terms of Presidential Decree No. 29 of 22 June 1971 to receive any complainants from citizens and to follow up those complaints with the competent authorities with a view to enforcing the rights of the complainants. Under the Decree, civil servants can be prosecuted if they are found to have violated the provisions of the Constitution.

669. The allegations concerning the torture of detainees Ali Kamil Ahmad and Kamil Ali Adla were totally unfounded. Ali Kamil Ahmad was arrested on the charge of membership of a terrorist group. His case was referred to the Higher State Security Court and he was awaiting trial. Kamil Ali Adla was arrested on 2 November 1993 on the same charge and was also awaiting trial.

670. On 10 October 1995 the Government further informed the Special Rapporteur that the above-mentioned persons had had their most recent hearing before the Higher State Security Court on 24 September 1995 and that the trial was not yet concluded.

Switzerland

Renseignements reçus du gouvernement au sujet de cas traités dans le rapport précédent

671. Le 13 février 1995, le gouvernement a transmis au Rapporteur spécial les réponses concernant des cas que celui-ci avait transmis le 14 septembre 1994; ces réponses sont résumées dans les paragraphes suivants.

672. Sidat Sisay, citoyen gambien, aurait été soumis à des mauvais traitements en janvier 1993, lorsqu'il se trouvait en transit à l'aéroport de Genève. Selon le gouvernement, depuis son arrivée à l'aéroport, M. Sisay a été en contact, en zone transit, avec différents services; il a pu se déplacer et téléphoner; il ne s'est plaint à personne de mauvais traitements. A l'infirmerie, il a eu tout loisir de recevoir les soins qu'aurait nécessité son état; aucune fiche n'a été établie à son nom par l'infirmière de service.

673. Patricia Schweitzer aurait été soumise à des mauvais traitements le 18 février 1993 par des policiers du commissariat du Bourg-de-Four à Genève. Selon le gouvernement, Mme Schweitzer a déposé plainte contre X le 4 mars 1993 pour coups et blessures. A la suite de l'enquête préliminaire, le Procureur général a décidé de classer la plainte en relevant que Mme Schweitzer se trouvait dans un état d'ivresse très avancé lorsqu'elle a été retenue au poste

de police, ne pouvant accorder du crédit à sa version des faits; celle-ci avait par ailleurs été formellement contestée par les agents de police.

674. Michel Acquaroli aurait été soumis à des mauvais traitements le 21 avril 1993 lors d'une visite effectuée par deux policiers à son bureau à Genève aux fins de renseignements relatifs à une dette échue. Selon le gouvernement, M. Acquaroli a opposé une vive résistance aux gendarmes qui ont dû employer la force pour l'emmener au poste de police. Il a déposé plainte contre les gendarmes, tandis que ceux-ci ont porté plainte contre lui pour opposition aux actes de l'autorité, lésions corporelles et dégâts à la propriété. Le Procureur général a condamné M. Acquaroli à une amende et classé la poursuite dirigée contre les deux gendarmes. Postérieurement, la Chambre d'accusation a rejeté le recours de M. Acquaroli contre le classement de sa plainte.

675. Erak Svetko aurait été soumis à des mauvais traitements lors de son arrestation à Berne le 30 janvier 1992. Selon le gouvernement, M. Svetko a été arrêté pour trafic de drogue. Du fait qu'il était armé, il a fallu employer la force, mais sans en faire un usage excessif. Les autorités judiciaires compétentes n'ont reçu aucune plainte de la part de l'intéressé quant au traitement qu'il aurait subi.

Togo

Appels urgents

676. Le 19 avril 1995, le Rapporteur spécial a transmis au gouvernement un appel urgent en faveur d'Alexandre Adecambi, Claude Amouzou, Tchao Kodjo, Ange Maboudou, Wilson Adje, Lambert Koffi, Epiphane Kavegue et Pierre Bakela. Ces personnes faisaient partie d'un groupe de 16 personnes qui auraient été arrêtées à Lomé et ses environs le 30 mars 1995 après que les forces de sécurité auraient apparemment trouvé des armes chez l'une d'elles. Tandis qu'un premier groupe aurait été relâché, les personnes nommées ci-dessus seraient détenues au secret dans une caserne militaire à Lomé, à l'exception de Claude Amouzou qui se trouverait dans l'aile militaire d'un hôpital à Tokoin.

Trinidad and Tobago

Urgent appeals transmitted

677. On 30 October 1995 the Special Rapporteur sent an urgent appeal on behalf of Clyde Lewis, who was reportedly convicted of rape in 1989 and sentenced to 10 years' imprisonment and a flogging of 10 strokes. The appeal of his sentence was denied on 17 October 1995 and it was believed that the flogging might be carried out in the immediate future.

678. On 15 December 1995 the Special Rapporteur sent an urgent appeal concerning Dr. Robert Naidike, a national of Nigeria, who was reportedly detained on 28 November 1995 by immigration officers in Independence Square, Port-of-Spain. He was allegedly subjected to ill-treatment, both upon his arrest and at Criminal Investigation Department headquarters, as a result of which he reportedly became unconscious, lost vision in his left eye, suffered

dizzy spells and sustained small bruises on his right eye, lips and feet. He was reportedly treated at Port-of-Spain General Hospital and removed from the hospital on 12 December 1995 by the immigration authorities. His subsequent whereabouts were unknown.

Tunisia

Informations transmises au gouvernement et réponses reçues

679. Le 1er mars 1994, le Rapporteur spécial avait adressé un appel urgent au gouvernement en faveur de Hamma Hammami, membre du Parti communiste des ouvriers tunisiens non autorisé qui, arrêté à Tunis le 14 février 1994, aurait été torturé au siège central de la police à Sousse et au Ministère de l'intérieur. Le gouvernement avait répondu, par lettre du 24 septembre 1994, que les craintes exprimées au sujet de tortures étaient infondées. Il a ensuite répondu, par lettre du 12 janvier 1995, que M. Hammami était traité de manière normale, au même titre que les autres détenus, qu'il n'avait fait l'objet d'aucun mauvais traitement et qu'il bénéficiait des soins médicaux nécessaires.

680. Sur la base d'informations complémentaires reçues de sources non gouvernementales, le Rapporteur spécial a retransmis le cas au gouvernement le 5 juillet 1995. Selon ces informations, Hamma Hammami aurait affirmé à ses avocats et au tribunal qu'il avait été torturé d'abord au commissariat de police de Sousse, puis au Ministère de l'intérieur. Il aurait manifesté avoir été violemment frappé à la tête et sur le corps, sexuellement humilié et menacé de viol. Il aurait également été plaqué au sol et à demi asphyxié par un policier qui, debout sur son cou, lui pointait un pistolet sur la tête en menaçant de le tuer. Sa famille et ses avocats, qui l'ont vu plusieurs jours après son arrestation, auraient confirmé qu'il portait des traces de violence. Il a demandé plusieurs fois lui-même, ou par l'intermédiaire de sa famille et de ses avocats, à être examiné par un médecin indépendant, mais ces demandes seraient restées vaines pendant trois semaines. Il a finalement été examiné le 8 mars par un médecin commis par les autorités, lequel aurait indiqué dans son rapport que l'intéressé ne portait aucune trace de traumatisme. Durant le procès, les juges auraient refusé d'ordonner une enquête sur les allégations de torture.

681. Dans sa réponse du 15 août 1995, le gouvernement a de nouveau insisté sur le fait que M. Hammami n'avait fait l'objet d'aucun mauvais traitement et qu'il bénéficiait régulièrement des examens médicaux et de la visite de sa famille. Le 13 novembre 1995, le gouvernement a informé le Rapporteur spécial que M. Hammami avait fait l'objet d'une décision de grâce prise en sa faveur par le Président de la République.

Appels urgents et réponses reçues

682. Le 15 décembre 1994, le Rapporteur spécial a transmis un appel urgent en faveur de Jalel Maleej, universitaire tunisien vivant à Paris, qui avait été arrêté le 4 décembre 1994 à son arrivée en provenance de France.
Le 15 août 1995, le gouvernement a répondu que M. Maleej avait été condamné

pour appartenance à une organisation non reconnue qui prône la haine raciale et l'extrémisme religieux et pour participation à des manifestations violentes. Il n'a fait l'objet d'aucun mauvais traitement.

683. Le 23 mai 1995, le Rapporteur spécial a envoyé un appel urgent au gouvernement au nom de Hafedh Ben Gharbia, 30 ans, qui aurait été arrêté le 21 avril 1995 par les forces de sécurité à son arrivée à l'aéroport de Monastir. Il était détenu au secret, tout renseignement sur le lieu de détention ayant été refusé aux membres de sa famille. Le 15 août 1995, le gouvernement a répondu que M. Ben Gharbia avait été condamné pour appartenance à une organisation non reconnue prônant la haine et le fanatisme racial et religieux et qu'il n'avait fait l'objet d'aucun mauvais traitement.

684. Un troisième appel urgent a été transmis au gouvernement le 13 décembre 1995 en faveur de Bachir Abid, membre de l'Union générale des étudiants tunisiens, Ali Jallouli et Abdel Moumen Belanes, étudiants, qui ont été arrêtés le 30 novembre 1995 alors qu'ils participaient à la grève qui a eu lieu dans plusieurs universités du pays. Selon les informations reçues, ils étaient détenus au secret au Ministère de l'intérieur à Tunis.

Turkey

Information transmitted to the Government and replies received

685. By letter dated 31 May 1995 the Special Rapporteur informed the Government that he had received reports indicating that the practice of torture in police stations and gendarmeries remained widespread. According to the information, torture was applied in order to extract "confessions", to elicit names of members of illegal organizations, to intimidate detainees into becoming police informants, to inflict informal punishment for assumed support of illegal organizations, and to force villagers in the south-east to become village guards.

686. Persons detained on suspicion of offences under the Anti-Terror Law may be held without access to family, friends or legal counsel for up to 30 days in the 10 provinces currently under a state of emergency and for up to 15 days in the rest of the country. Such periods of incommunicado detention create conditions particularly conducive to the practice of torture. It was reported that in the above-mentioned provinces, all of the local branches of the Human Rights Association (HRA) had been closed by the authorities and many of its members, including lawyers, had been arrested. HRA was therefore unable to receive complaints, carry out investigations, or provide legal counsel to persons arrested and subjected to ill-treatment.

687. Officials carrying out torture were said typically to take care to employ methods which leave little or no medical evidence. Such techniques include hosing with cold pressurized water, suspension by the arms or by the wrists bound behind the victim's back, electric shocks, sexual assault and death threats.

688. The Special Rapporteur also transmitted the individual cases described in the following paragraphs to the Government. On 14 November 1995 the Government replied to some of these cases. Those responses are summarized below following the corresponding allegation.

689. Ali Karaca, from the Kom village of Ibimahmut, was reportedly detained in early October 1994 by soldiers from the Ataçinari gendarmerie post, who allegedly tortured him near his house. They then sent him by helicopter first to the Ataçinari gendarmerie post and then to Tunceli, where police found him on the side of a road and took him to hospital. He was transferred to Elaziğ State Hospital and died after spending three days in a coma. His family members were informed initially by hospital personnel that there were signs of blows to his body and that he had died of blows to his head. After soldiers allegedly intervened at the hospital, the family were told that he had in fact died of meningitis and high blood pressure.

690. According to the Government, Ali Karaca had not been taken into custody by the security forces in October 1994. He had died of meningitis in hospital on 10 October 1994. A complaint had been made to the Tunceli office of the chief public prosecutor, but the case was considered to be outside the jurisdiction of that office as to subject-matter. An investigation was under way by the governorate of Tunceli.

691. Bedri Tan, headman of the village of Kadiköy, was reportedly detained on 13 September 1994 by officials from the Diyarbakir regimental gendarmerie headquarters and the Hani gendarmerie headquarters. He was allegedly interrogated under torture in his house and thereafter taken away. His family, summoned the next day to pick up his body at the Hani gendarmerie headquarters, found the upper half of the body dismembered and evidence of injuries to his upper torso. Although the gendarmes maintained that he was killed by a land-mine, the fact that the injuries were sustained to the upper part of his body was said to render that explanation unlikely.

692. The Government replied that Bedri Tan had in fact been killed by a land-mine, while he was leading security forces to a Kurdish Workers' Party (PKK) sanctuary in Gömeç village of Hani district, Diyarbakir province. An autopsy conducted in the presence of the Hani public prosecutor revealed that death was due to dismemberment of the abdomen. No complaints were lodged or legal proceedings taken on the ground of torture.

693. Garip Ölmez, from the village of Yoğurtyemez in the Ahlat district of Bitlis, was reportedly arrested on 4 April 1994 and interrogated at Bitlis gendarmerie headquarters. His family, called 10 days later to retrieve his body from the mortuary, observed injuries to the head and stomach and marks of binding on the ankles. His feet had apparently been burned with melted plastic. The family submitted a petition of complaint to the Ahlat prosecutor's office, but the complaint was reportedly rejected.

694. Cihan Akkum was reportedly detained on 10 August 1994 by police from the Anti-Terror branch of Diyarbakir police headquarters and subsequently died in custody. The police maintained that he had committed suicide by hanging himself with a sheet while in custody. His father was taken on 25 August

to the mortuary, where he noticed that the body was covered with bruises indicative of severe beatings and that the scar around his neck was very thin, suggesting that it had been made by a cord rather than by a twisted bed sheet.

695. The Government stated that Cihan Akkum had committed suicide on 29 August 1994 at the Anti-Terror branch of the Diyarbakir headquarters. An autopsy had revealed bruises in the jaw and arms and a public case was commenced in the criminal court against three policemen who carried out his interrogation, with the charge of ill-treatment. Their trial was under way.

696. Hayriye Gündüz (female) was awaiting trial at Istanbul State Court No. 3 with 11 other prisoners for membership in the illegal organization Devrimci Sol (Revolutionary Left) on 10 October 1994. The prisoners, having been searched once, refused to undergo a second search before entering the courtroom. Consequently, gendarmes allegedly attacked the handcuffed prisoners with truncheons and beat them for around eight minutes in a court corridor. They were then dragged into a yard and allegedly kicked and punched by plain-clothes police and members of the Mobile Force. Hayriye Gündüz suffered various injuries, including two wounds requiring sutures, which were reported in a medical certificate issued by the State Forensic Medicine Institute.

697. According to the Government, a preliminary investigation on the case had been undertaken by the Istanbul office of the chief public prosecutor, but because it was determined to be outside the subject-matter jurisdiction of that office, the case was referred to the Istanbul governorate on 6 July 1995 for further investigation. A medical report issued by the Forensic Medicine Institute of Eyüp district showed that she had sustained injuries and was not able to conduct her daily activities for 15 days.

698. Abdullah Baskin was detained on 23 July 1994 with 14 other villagers from Gümüşgörgü in the Kozluk district of Batman province by soldiers from Batman regimental gendarmerie headquarters, reportedly for their refusal to participate as village guards. Abdullah Baskin was allegedly suspended by the wrists tied behind his back, continually beaten, and subjected to electric shocks. On 4 August he was taken to Batman State Hospital, where he died from his injuries. Although the permit for his burial stated that he had died in "suspicious circumstances", no judicial investigation was apparently conducted into his death.

699. Vehbiye Tüzün (female), a journalist for the newspaper Özgür Ülke detained on 2 October 1994, was reportedly held for 12 days' incommunicado detention at Diyarbakir gendarmerie headquarters. She was allegedly blindfolded, subjected to electric shocks to her sexual organs, suspended with her arms at the back, sprayed with cold water under pressure and subjected to threats of rape and death. Although examined by a doctor, she remained silent about the torture after being warned by her interrogators that she would be held for the maximum period if she revealed any information. She was subsequently blindfolded and allegedly forced to sign a paper, which she later learned was a "confession" that she had been working for the PKK. A medical certificate described symptoms as consistent with her allegations of torture.

700. The Government replied that it had been established through a medical report dated 14 October 1994 that Vehbiye Tüzün was not subjected to torture or ill-treatment.

701. Yelda Özcan, a member of the Istanbul branch of the Turkish Human Rights Association (HRA) who had been a long-time worker at HRA's treatment centre for torture survivors, was reportedly arrested on 4 July 1994 at her home. At the Beyoğlu police station she was allegedly beaten severely by a chief commissioner. A medical certificate revealed that she had sustained a perforated eardrum.

702. The Government indicated that a public case had been commenced against a police officer with the charge of beating Yelda Özcan and that the case was under way in the Beyoğlu criminal court.

703. Huseyin Koku, Chairman of the Elbistan branch of the People's Labour Party (HADEP), was reportedly remanded in custody at a police station in Elbistan on 27 March 1994 and then transferred to Elbistan prison. Over the course of two months' detention he was allegedly subjected to electric shocks and *falaqa* (beatings on the soles of the feet), hosed with ice-cold water, deprived of sleep and food for prolonged periods, suspended from the limbs, and beaten with truncheons and iron bars. As a result of his torture, he was said to have suffered from severe pain in his arms and feet and paralysis for over one month following his release from detention. On 20 October 1994 he was reportedly taken away by gendarmes in an official car while walking on a street in Elbistan. His subsequent whereabouts were unknown and he was feared "disappeared".

704. Yalçin Kiliç was reportedly detained in the Barbaros district of Seyhan near Adana on 24 September 1994. He was left on a bench at Adana bus terminal by police on 2 October 1994, where he told bystanders that he had been tortured for eight days. He was then taken to hospital, where he died the same day. A certificate from the Forensic Institute indicated that he had suffered internal bleeding from various blows, his arms were dislocated and he had consumed a poisoned soup.

705. According to the Government, the Adana office of the chief public prosecutor had established that Yalçin Kiliç was not taken into custody at either the Adana police headquarters or the gendarmerie headquarters. Rather, he was beaten to death by unidentified persons in Adana. An autopsy showed that his death was due to a trauma caused by injuries in the back, the arms and the legs. The investigation was continuing to identify the perpetrators.

706. Besir Özen, aged 70, and his 13-year-old daughter were arrested and taken to Ömerli security headquarters, where Besir Özen was allegedly tortured and subsequently transferred to Mardin. On 5 August he was brought to Mardin State Hospital bleeding from the mouth due to haemorrhaging in his stomach.

707. The Government replied that Beşir Özen had not lodged any complaints or taken any legal proceeding on the ground of torture. It had been established through a medical report that he was not subjected to torture or ill-treatment while under detention.

708. Haci Oğuz, Chairman of the Siirt branch of the HRA, was reportedly arrested on 17 January 1994. He had previously been detained and allegedly tortured from February to June 1993 and had been acquitted in December 1993 of charges of being a guerrilla. During his latter detention he spent three days under interrogation at Sehit Erol police station, during which he was allegedly subjected to falaqa, suspension, electric shocks, hosing with freezing pressurized water, continuous beatings, and threats that his family would be tortured.

709. According to the Government, it had been established through a medical report of the Siirt forensic physician dated 19 January 1994 that Haci Oğuz and his family were not subjected to torture or ill-treatment during their detention. He had not lodged any complaints or taken any legal proceedings on the ground of torture. In addition, a medical report of the Siirt health clinic had established that he was not subjected to torture or ill-treatment during his detention in 1993.

710. Abdullah Salman, aged 13, was reportedly interrogated at Şişli police headquarters in Istanbul in November 1994, under accusation of theft from the shop at which he served as an apprentice. He was allegedly blindfolded, beaten, choked and subjected to electric shocks through his toes during three days of interrogation. The charges against him were said to be false, as the stolen money was later recovered from another worker. A medical report confirmed injuries to his shoulders, arms and neck. A psychiatric evaluation revealed him to be in an abnormal condition. His mother lodged a complaint against the police with the public prosecutor in Şişli and was allegedly offered a bribe by the police to drop the complaint, which she refused.

711. The Government replied that a public case was commenced on 27 March 1995 against the police officer in chief of Şişli police station on the charge of ill-treatment. The case was under way.

712. Sultan Aygün and her husband, Garip Aygün, were reportedly detained in Istanbul on 18 January 1995 in connection with a traffic accident. Sultan Aygün was allegedly handcuffed to a radiator, beaten and subjected to threats that her daughter would be detained and raped. Garip Aygün was allegedly blindfolded and subjected to falaqa for the purpose of coercing a confession to traffic offences. Reports from the Forensic Medical Institute confirmed that both of these persons had sustained injuries.

713. Şükrü Taş and a number of other persons were detained at the Anti-Terror branch of Istanbul police headquarters on 5 January 1995 in connection with alleged activities in the banned Revolutionary Communist Party. Şükrü Taş was allegedly taken to an underground area and while naked and blindfolded was hung by the arms seven or eight times with his forearms bound together behind his back, causing him to pass out. He was also allegedly beaten on the soles of his feet, a truncheon was pushed against his rectum, his testicles were squeezed and his hair was pulled. He was released on 14 January 1995. A medical report by the Forensic Medical Institute revealed the presence of injuries and a diagnostic report of the Istanbul Treatment Centre of the Turkish Human Rights Foundation showed radiological evidence of "damage to the brachial plexus" and confirmed the presence of injuries consistent with torture.

714. The Special Rapporteur also communicated information according to which the following persons, serving sentences at the Bayrampaşa prison in Istanbul, had repeatedly been denied or been provided insufficient medical treatment, despite suffering serious health problems: Sadrettin Aydinlik, Cemil Tiryaki, Hüseyin Çelik, Vedat Aydemir, Celal Turpçu, Mehmet Özne, Hasan Kenar, Musa Gündoğdu, Hamdullah Şengüler, Fesih Karataş, Muzaffer Bingöl, Ali Kilavuz, Halil Uçar, Güven Özata, Tuncay Koçak, Mahfuz Şahin, Sunullah Altan, Hüseyin Temur, Faruk Kaplan, Lokman Yildirim, Menaf Yilmaz, Birgül Çeçen (female), Nuran Ekingen (female), Rabia Tekaş (female), Songül Seçkin (female).

715. The Government replied that Hasan Kenar and Hamdullah Şengüler had been offered but had refused medical treatment. Sunullah Altan had not requested medical treatment. No mention was made in the reply of Cemil Tiryaki, Güven Özata, Hüseyin Termur, Faruk Kaplan, Lokman Yildirim. The remainder of the above-named persons had received medical treatment and a description of the treatment rendered was provided.

716. By the same letter, the Special Rapporteur advised the Government of new information he had received with respect to the urgent appeal he had sent on 30 September 1994 on behalf of Murat Demir, Ahmet Duzgun Yuksel, Fatma Yaman and Gulcan Yavuz. On 24 November 1994 the Government had replied that none of these persons were subjected to torture or ill-treatment. According to the new information, during his detention Murat Demir was stripped naked, his testicles were squeezed and he was denied hospital treatment, despite a recommendation by officials of the Forensic Medical Institute that he be provided such treatment. In addition, Fatma Yaman and Gulcan Yavuz were allegedly suspended by the wrists for prolonged periods. The arrests reportedly took place one hour before Murat Demir was to have met with an official from the French Embassy to submit a petition on behalf of a client from the illegal organization Devrimci Sol. Murat Demir had been previously arrested and allegedly tortured in 1991, reportedly in connection with his representation of alleged members of Devrimci Sol.

Information received from the Government on cases included in previous reports

717. On 5 May 1995 the Government sent a reply to a number of cases transmitted by the Special Rapporteur in his letters of 29 October 1993 and 15 September 1994.

718. Nazli Top had allegedly been tortured and sexually abused while she was pregnant by members of the Istanbul police in April 1992. On 13 January 1994 the Government had informed the Special Rapporteur that seven police officers from the Bahcelievler police precinct had been charged with her torture. In a reply dated 5 May 1995, the Government indicated that the officers were acquitted by the Istanbul high criminal court No. 3 on 12 May 1994 and that this decision was under review at the high court of appeals.

719. Ismail Yilmaz had reportedly been arrested on 27 June 1992 and allegedly tortured in Istanbul. The Government replied that a public case had been commenced at the Istanbul high criminal court No. 7 against members of the security forces charged with his torture.

720. Servet Sayan had reportedly been subjected to torture at the Second (Criminal) branch of Istanbul police headquarters in March 1992. The Government replied that a public case had been commenced at the Istanbul criminal court No. 2 against a police officer, with the charge of having tortured Servet Sayan under interrogation. The officer was sentenced to imprisonment, but the high court of appeals had reversed the decision. The case was still under way at the Istanbul criminal court No. 2.

721. Necmiye Aslanoğlu, a staff person of Özgür Gündem newspaper, had allegedly been tortured at Istanbul headquarters following her arrest in December 1993. The Government replied that it was established through medical reports that she had not been subjected to torture or ill-treatment.

722. Nilüfer Koç, a student in Germany of Turkish origin who was accompanying a German delegation as an interpreter, was allegedly tortured in the gendarmerie headquarters in Uludere following her arrest on 29 September 1993. The Special Rapporteur had provided new details of her alleged torture, but the Government repeated its assertion that she was not subjected to torture or ill-treatment.

723. Ibrahim Ekinci was one of a number of villagers from Ormançi, Sirnak province, who were allegedly tortured during an operation carried out by security forces on 20 February 1993. The Government replied that he and two other villagers, Tahir Çetin and Ibrahim Özkan, were taken to Diyarbakir hospital, where Ibrahim Ekinci subsequently died. An autopsy had established that his death was due to respiratory deficiency caused by pneumonia. It was established that none of the three named persons had been subjected to torture or ill-treatment. A preliminary investigation was initiated by the Eruh office of the chief public prosecutor.

724. Baki Erdoğan had allegedly been tortured for 11 days in Aydin police headquarters in August 1993 and had subsequently died in hospital. The Government replied that he had gone on hunger strike in detention. An autopsy revealed that his death was due to respiratory deficiency from an oedema of the lungs caused by malnutrition. It was established through medical reports that his body carried blisters. A public case was commenced in Aydin criminal court against six policemen with charge of subjecting Baki Erdoğan to torture or ill-treatment, but it was later decided that the case fell outside of the jurisdiction of that court and the case was referred to the Aydin high criminal court. The proceedings concerning the case were still under way. Because it was determined that there was no causal relationship between the blisters and the cause of death, no prosecution was deemed necessary against the officers for causing the death of the detainee. An objection to this decision was turned down by the Nazilli high criminal court, but a written order was issued on 18 October 1994 by the Ministry of Justice for a review of that decision.

725. Savme and Şükrü Durmaz had reportedly been detained in Mardin province on 26 October 1993 by members of the gendarmerie and possibly tortured. The Government replied that they had not in fact been arrested.

726. Mehmet Sem had reportedly been arrested at his cafe in Nizip, Gaziantep, by four policemen on 26 March 1994 and his body was discovered four days later displaying signs of severe torture. The Government replied that the body in fact displayed no signs of torture. The autopsy showed that his death was due to fractures of the skull and internal bleeding. The preliminary investigation on the case was carried out by the office of the chief public prosecutor of Gaziantep province and the gendarmerie headquarters and the perpetrators of the act were currently being sought.

727. Abdulrezak Ikincisoy and his sons, Halil Ikincisoy and Mehmet Şah Ikincisoy, had allegedly been tortured following their arrest on 22 November 1993 in Diyarbakir. The Government stated that it had been established through medical reports that neither Abdulrezak nor Halil Ikincisoy was subjected to torture. Mehmet Şah was not taken into custody, but was being sought as a fugitive offender.

728. Replies were also received from the Government with respect to a number of previously issued urgent appeals. These replies are summarized in the paragraphs below.

729. On 12 July 1994 the Special Rapporteur had sent an urgent appeal on behalf of Recep Maraşli, Nursan Balci (female), Nuran Çamli (female), Murat Satik, Bahriye Satik (female), Orhan Ateş and Ergül Kiyak, who were reportedly being held incommunicado at the Anti-Terror branch of Istanbul police headquarters. Nurcan Balci had been transferred to hospital on 10 July, as a result of fractures to her kneecap and spine allegedly sustained from torture. A further appeal was transmitted on 20 July 1994 on behalf of Recep Maraşli, based on allegations received that he had been blindfolded, given electric shocks and beatings, including to the soles of his feet, and was being denied medical attention. On 3 January 1995 the Government replied that these persons had been charged in connection with publishing materials on behalf of the PKK. The relevant juridical authorities had on 21 July 1994 decided for the arrest of Recep Maraşli and Ergül Kiyak. None of the persons had so far lodged any complaints or taken legal proceedings on the ground of torture and it was established through medical reports that they were not subjected to torture or ill-treatment.

730. The Special Rapporteur sent an urgent appeal on 14 July 1994 on behalf of Mehmet Fida Alin, a former official of the Democracy Party (DEP), who was reportedly detained in Adana on 11 July 1994 and whose whereabouts were unknown. The Government replied on 3 January 1994 that he had been arrested on a charge of participating in the activities of the PKK and was placed in Adana E-type prison and transferred to the Konya prison on 26 October 1994. His relatives had visited him 13 times between 13 July and 26 October 1994.

731. On 15 August 1994 the Special Rapporteur sent an appeal on behalf of Berivan Kutlay (female), Seyfettin Tepe, Nevzat Bulut, Mustafa Aladağ, journalists with the newspaper Özgür Ülke, who were reportedly detained on 10 August 1994 in Ağri and were being held at the Anti-Terror branch. On 3 January 1994 the Government replied that these persons had not lodged any complaint or taken any legal proceedings on the ground of torture and it had been established through medical reports they were not subjected to torture or ill-treatment in detention.

732. On 19 September 1994 the Special Rapporteur sent an appeal on behalf of Musa Ulusoylu, Özer Akdemir, Ayşenur Ikiz, Debrim Osman Çelebioğlu, Mujdat Yilmaz, Emine Öğün Yilmaz and Mehmet Ali Gürel. These persons were reportedly being detained incommunicado at the Anti-Terror branch of Ankara police headquarters for alleged membership in the illegal Turkish Revolutionary Communist Party (TDKP). The Government replied on 3 January 1995 that the families of the detainees had been notified concerning the reasons for their detention but they had not been allowed access to legal counsel during their interrogation from 12 September to 26 September, in compliance with the Anti-Terror Law. They were all to face trial. They had not so far lodged any complaints or taken any legal proceeding on the ground of torture and it was established through medical reports that they had not been subjected to torture or ill-treatment during their detention.

733. On 18 October 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Emrullah Cin, Mustafa Asiğ, Suzan Işbilen (female) and Pervin Işbilen (female), who were reportedly arrested on 13 October 1994 and were being held incommunicado at Diyarbakir police headquarters. On 10 January 1995 the Government replied that Emrullah Cin and Mustafa Asiğ had been arrested on 15 October 1994. The chief public prosecutor of the State Security Court had ordered the release of Emrullah Cin on 17 October and Mustafa Asiğ was later ordered released by the State Security Court pending trial. Suzan Işbilen and Pervin Işbilen were detained on 14 October 1994 but were released on 15 October. The reply provided no information with respect to the treatment of these persons while in custody.

734. On 24 November 1994 the Special Rapporteur sent an urgent appeal on behalf of Aheste Akbilek, a representative from the Health Workers' Union, who was reportedly arrested on 21 November 1994 by police from the Anti-Terror branch of Ankara security headquarters. On 13 January 1995 the Government replied that she had been released on 23 November 1994 and that no inquiry was deemed necessary concerning her case.

735. On 7 October 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Abdulkerim Bağdur, who reportedly had been detained by police and ill-treated in Adana on 4 October 1994. On 23 January 1994 the Government replied that he had been arrested under suspicion of being a PKK member and was released on 5 October 1994 by the Adana office of the chief public prosecutor. His file had been sent to the Konya State Security Court. He had not so far lodged any complaint or taken any legal proceeding on the ground of torture and it was established through medical reports that he was not subjected to torture or ill-treatment during his detention.

736. On 28 November 1994 the Special Rapporteur transmitted an urgent appeal on behalf of the following persons detained on 24 November 1994 during police raids in Istanbul on the offices of the magazines Mücadele, Yoskul Halkin Gücü, Işçi Hareketi and Devrimci Gençlik: Ilker Alcan, Bülent Bağci, Ufuk Doğbay, Savaş Karakurum, Tarik Tolunay, Selda Özcan, Hatic Akdoğan, Murat Kuyumcu, Mehmet Akdemir, Kuret Sangül, Veli Canik, Yemliha Kaya, Metin Yildiz, Sabahat Varol, Serap Topçu, Filiz Kaplansüren, Erdal Kaplansüren, Havva Suiçmez, Bülent Karataş and Haylat Fayli. On 27 February 1995 the Government replied that no proceeding had been taken concerning Erdal Kaplansüren and Hayat Fayli. The other persons had

eventually been released, with the exception of Havva Suiçmez and Mehmet Akdemir, who were arrested by a decision of the Istanbul State Security Court. None of these persons had been subjected to torture or ill-treatment while in detention.

Urgent appeals transmitted and replies received

737. The Special Rapporteur transmitted 25 urgent appeals to the Government. Summaries of them together with the Government's replies are summarized below. The dates on which the appeals were sent are given in brackets at the end of the corresponding summary.

738. Enver Şimşek was reportedly detained in Batman on 15 December 1994 by plain-clothes police officers and was being held incommunicado at an unknown location (20 December 1994).

739. On 23 February 1995 the Government replied that Enver Şimşek, who was to go on trial on 23 February 1995, had so far not lodged any complaint of torture or taken any legal proceeding on the ground of torture. It had been established through medical reports that he was not subjected to torture or ill-treatment. It had also been established that his interrogation was carried out in accordance with Turkish law and with the relevant provisions of international instruments.

740. The following lawyers and members of the Management Committee of the Diyarbakir branch of the Human Rights Association of Turkey were reportedly being held incommunicado at Diyarbakir prison: Deputy General Secretary and Secretary of the Diyarbakir branch Mahmut Şakar, who was arrested in Diyarbakir on 17 December 1994; and Nimetullah Gündüz and Abdullah Çağar, who were reportedly arrested as they left the Diyarbakir State Security Court on 16 December 1994. In addition, Zeynep Firat, a member of the Istanbul Bar Association detained on 16 December 1994, was reportedly tortured at police headquarters in Istanbul, and was being held incommunicado. Münevver Köz, a client she was on her way to see at the time of her arrest, was also being held incommunicado (22 December 1994).

741. By letters dated 24 January 1995 and 22 February 1995 the Government replied that Mahmut Sakar, Nimetullah Gündüz and Abdullah Cağar had been interrogated and referred to the Diyarbakir State Security Court on 16 December and the Court had ordered their arrest. By replies dated 24 January and 20 March 1995, the Government stated that Zeynap Firat and Münevver Köz had lodged complaints on the ground that they were subjected to torture by members of the Anti-Terror branch during their interrogation at the Istanbul police headquarters. Their statements of complaint and their medical reports had been sent to the Istanbul office of the chief public prosecutor, where an inquiry was under way. They were to be tried on 19 April 1995.

742. Salih Güler, a correspondent for the Özgür Ülke newspaper, was reportedly detained on 4 January 1995 during a raid on the newspaper's office in Diyarbakir. He was said to be held incommunicado at gendarmerie intelligence headquarters (JITEM) in Diyarbakir (9 January 1995).

743. Following a further communication dated 24 January 1995, in which the Special Rapporteur advised that Government that he had been informed that Salih Güler was being kept chained naked and in poor health at JITEM, the Government replied on 20 and 22 March 1995 that on 30 January 1995 the Diyarbakir office of the chief public prosecutor had ordered his release following interrogation. He was to be tried on 19 April 1995. It had been established that he was not subjected to torture or ill-treatment during his detention.

744. Hüseyin Aksoy, Zöhre Aksoy (female), Tacim Şimşek, Mürüvvet Günel (female, a ward representative of Media trade union), Şükrü Taş, Kemal Yadirgi, Şeyda Gül (female), Hüseyin Demirli, Kiraz Özcan (female), Emine Akcan (female), and Ismet Dursun were among 30 suspected members of the Turkish Revolutionary Communist Party (TDKP) reportedly detained in Istanbul on 4 January 1995. They were said to be held incommunicado at the Anti-Terror branch of Istanbul police headquarters (11 January 1995).

745. Ahmet Killi, a correspondent for the newspaper Dengê Azadi, and Çağatay Işik, an office worker for the newspaper, were reportedly detained by officers from the Anti-Terror branch of Diyarbakir police headquarters following a raid on the offices of the newspaper on 8 January 1995. Their whereabouts were unknown (12 January 1995).

746. On 23 February 1995 the Government replied that Ahmet Killi and Çağatay Işik had been released following interrogation and were to be tried on 24 February 1995 on charges of providing shelter and assistance to the PKK. It had been established through medical reports that they were not subjected to torture or ill-treatment during the time they were apprehended or referred to the relevant authorities.

747. Ismail Hakki Kelleci, a correspondent for Özgür Ülke, was reportedly arrested on 19 January 1995 by police from the Anti-Terror branch of Diyarbakir police headquarters. He was said have been taken to Diyarbakir police headquarters, but the Diyarbakir State Security Court prosecutor apparently had not been informed of his whereabouts. In addition, Turabi Kişin, who had reportedly been hospitalized for three months due to torture from a previous detention, was allegedly being tortured again in incommunicado detention at the Anti-Terror branch of Istanbul police headquarters. He suffered from tuberculosis and was said to have lost the use of his arms and hands from torture (24 January 1995).

748. On 22 March 1995 the Government replied that Ismail Hakki Kelleci had been referred to the office of the chief public prosecutor in Diyarbakir on 6 February, where his arrest was ordered. He was to be tried on 31 March 1995 on charges of providing shelter and assistance to the PKK. No mention was made in the reply of his treatment while in detention. On 10 July 1995 the Government informed the Special Rapporteur that Turabi Kişin had been detained on 14 January 1995 and interrogated at Istanbul police headquarters. On 27 January 1995 his arrest was ordered by the State Security Court and a case was commenced on charges of PKK membership. An examination conducted by the Forensic Medicine Institute on 27 January had established that there was no trace of injury on his body. A preliminary investigation concerning the allegations of torture and ill-treatment was under way.

749. Doğan Denizhan, a correspondent for Özgür Ülke, was reportedly arrested on 24 January 1995 at the newspaper's offices in Van. He was allegedly beaten as he was taken away and his whereabouts were unknown (30 January 1995).

750. On 20 March 1995 the Government replied that Doğan Denizhan had been detained on the charge of possessing documents relating to the PKK and was released on 26 January 1995. It was established that he was not subjected to torture or ill-treatment during the period he was under custody.

751. Khari H. Ibrahim, Hussein H. Merza, Saed Suleiman and Saed Merza, Iraqi nationals travelling through Turkey en route to Geneva to cooperate with the United Nations human rights procedures, were reportedly detained, despite having travel documents to come to Switzerland. It was alleged that the authorities might deport them to Jordan, from where they might thereafter be returned to Iraq. Fears were expressed that the detainees might be subjected to torture if so returned (20 February 1995).

752. Şerif Atmaca, Hanifi Işik, (teacher), Sinan Tanrikulu (lawyer), Firat Anli (lawyer), Servet Ayhan (lawyer), all members of the Diyarbakir Human Rights Association, were reportedly detained on 27 February 1995 at the HRA offices and taken for interrogation to the Diyarbakir gendarmerie regimental headquarters (6 March 1995).

753. On 24 May 1995 the Government replied that the above-named persons had been referred to the office of the chief public prosecutor of the Diyarbakir State Security Court on 9 March 1995 and were ordered arrested by the relevant court on charges of PKK membership. It was established through medical reports that they were not subjected to torture or ill-treatment.

754. An appeal was transmitted in conjunction with the Representative of the Secretary-General on internally displaced persons, the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Chairman of the Working Group on Enforced or Involuntary Disappearances on behalf of Turkish and Iraqi civilians of Kurdish ethnic origin situated in areas affected by operations of the Turkish Army following its entry into the territory of northern Iraq on 20 March 1994. It was reported that civilians were at risk of arbitrary detention, torture, extrajudicial executions and disappearance and that a large number of persons had already been displaced. The signatories to the appeal called upon the Government to take all necessary measures to ensure that the affected civilians' rights, inter alia to life and to physical and mental integrity, as set forth in several enumerated provisions of human rights and humanitarian law instruments, were protected (4 April 1995).

755. On 6 April 1995 the Government replied that it did not consider its operations in northern Iraq to fall within the purview of the signatories of the joint appeal. United Nations human rights mechanisms should not attempt to encroach upon the field of international humanitarian law, which is treaty law, unless specifically provided otherwise by law. On 10 May 1995, the signatories of the appeal, in expressing disagreement that the issue was not within the purview of their mandates, drew the attention of the Government to various provisions of the Charter of the United Nations, the Vienna Declaration and Programme of Action and General Assembly resolutions in

support of the view that human rights law was applicable in situations of war, armed conflict or disturbances of public order. Any activity of the Government or its agents that had implications for the human rights that the signatories of the appeal were mandated to monitor and protect, fell squarely within the purview of their mandates. The signatories were competent to make pronouncements as to the applicability of international law, whether human rights or humanitarian, and the conformity of government activities with this body of law, as long as the rights falling thematically under their mandates were covered thereby. Human rights and humanitarian law protected the same human values and were inextricably linked legal fields. Any legal appraisal would be incomplete if it did not refer to the whole of the applicable body of international law. On 16 June 1995, the Government replied that it was of the view that the articles and provisions cited did not confer special rapporteurs and working groups with the duty to oversee the performance of the States Parties to an armed conflict and that such responsibilities could only be assigned by a protecting Power with the consent of the State concerned. The international community did not stand to gain anything by confusing the sphere of human rights law with that of humanitarian law and the problem, if any, could not be solved by arbitrarily extending the mandates of special rapporteurs and working groups, but by further developing international humanitarian law.

756. Ali Ekber Kaya, President of the Tunceli Human Rights Association, his daughter Ciğdem Kaya, his relative Hüseyin Dağdeviren, health worker Fidan Güler and her husband Hüseyin Güler were reportedly taken into detention on or around 23 March 1995 at police headquarters in Tunceli. Ciğdem Kaya was said to be in a coma in hospital following torture (6 April 1995).

757. On 31 May 1995 the Government replied that the above-mentioned persons had been detained in connection with alleged activities for the organization "Marxist-Leninist Communist Party/Liberation" (MLKP/K). They had gone on hunger strike and Fidan Güler and Çiğdem Kaya were taken to the Tunceli State Hospital on 31 March 1995. It had been established that they were not subjected to torture or ill-treatment during their detention.

758. Sedat Avşar and Hasip Avşar were reportedly detained in Kuşadasi on 7 March 1995, after having sustained gunshot wounds. They are cousins of Serif Avşar, who was allegedly abducted and killed by members of the security forces in April 1994. They were said to have been taken to Diyarbakir for questioning and to have been brought by the gendarmerie in ill health on 10 April to the house of their aunt. They were being interrogated at Diyarbakir gendarmerie regimental headquarters. In addition Sait Avşar, the brother of Serif Avşar, and Ramazan Avşar and Ilhan Avşar, both cousins of Serif Avşar, were reportedly detained on 11 April 1995 in Mersin and were being held at Mersin police headquarters (19 April 1995).

759. On 31 May 1995 the Government replied that Sedat Avşar and Hasip Avşar had been detained on the charge of PKK membership and had been trying illegally to leave the country. Sait Avşar, Ilhan Avşar and Ramazan Avşar were detained on 12 April 1995 in Icel. They were referred to the office of the chief public prosecutor of Icel and arrested the same day. It was established that they had not been subjected to torture or ill-treatment during their detention.

760. The following persons were reportedly arrested on 2 June 1995 in Istanbul: Salih Bal, former editor-in-chief of the newspaper Medya Güneşi and his eight-month-pregnant wife, Hilal Okumuş; Zelal Boğa (female), a telephonist at Medya Güneşi; Mehmet Sanri, a correspondent with Medya Güneşi; and Rifat Yüksekkaya. The whereabouts of Rifat Yüksekkaya were unknown, but the other four persons were said to be held at the Anti-Terror branch of Istanbul police headquarters (8 June 1995).

761. On 1 September 1995 the Government replied that the above-named persons had been detained on 3 June 1995 and taken into custody in accordance with a decision of the Istanbul State Security Court dated 6 June 1995. The Court decided for the arrest of Rifak Yüsekkaya, Salih Bal and his wife, identified in the reply as Melek Okumuş. Mehmet Sanri and Zelal Boğa were released and were awaiting trial.

762. Abdulkerim Demirer, a lawyer and President of the Hakkari branch of the Human Rights Association, was reportedly detained on 19 June 1995 and was being held at Hakkari police headquarters (21 June 1995).

763. Ahmet Düzgün Yüksel, a lawyer and member of the Istanbul Bar Association, and Sabahat Varol (female), a journalist of the magazine Devrimci Gençlik, were reportedly detained on 20 June 1995, as they were leaving the Halkin Hukuk Borosu, People's Law Office. They were said to be held incommunicado at Istanbul police headquarters. Particular concern was expressed for the well-being of Ahmet Düzgün Yüksel, who suffered from tuberculosis and required frequent medical treatment (26 June 1995).

764. On 1 November 1995 the Government replied that Ahmet Düzgün Yüksel and Sabahat Varol had been released on 26 June and 27 June 1995 respectively, following their interrogation. A case against them was under way at the Istanbul State Security Court for membership of an illegal organization. A medical report issued on 26 June 1995 showed that Mr. Yüksel had bruises on his left shoulder and an inquiry of ill-treatment by the interrogating officials of the Anti-Terror branch of Istanbul police headquarters had been initiated on 3 July 1995 by the Istanbul office of the chief public prosecutor. It was established through medical reports that Ms. Varol was not subjected to torture or ill-treatment.

765. Talat Tepe, a lawyer and member of the Human Rights Association, was reportedly detained by members of the security forces at Istanbul airport on 9 July 1995. His detention, which occurred as he was about to travel to Germany to meet with human rights organizations, was said to have been undertaken pursuant to a request from the Bitlis public prosecutor. He was reportedly being held at Istanbul police headquarters. In addition, Gülbahar Gündüz was reportedly arrested on 21 March 1995 and allegedly tortured at Tunceli police headquarters. Her torture was said to have included beatings, electric shocks and sexual assault, which resulted in her lapsing into a coma. She was said to be only half conscious and unable to walk at a hearing on 25 May 1995 at Malatya State Security Court. She was subsequently transferred to Ankara central closed prison and was in a wheelchair with badly swollen legs. It was alleged that she was being denied necessary medical treatment (14 July 1995).

766. Necat Altun and his 16-year-old daughter, Hediye Altun, were reportedly arrested on 20 July 1995 by officers of the Anti-Terror branch at their home in the Ümraniye district of Istanbul. Their family were said to have been unable to obtain any information about their detention (28 July 1995).

767. On 4 October 1995 the Government replied that the Istanbul Security Court had on 31 July 1995 ordered the arrest of Hediye Altun and the release of Necat Altun. It had been established through medical reports that they were not subjected to torture or ill-treatment during their detention.

768. Habib Çiftçi was reportedly detained in Istanbul on 3 September 1995 and interrogated for 15 days at the Anti-Terror branch of Istanbul police headquarters. During interrogation he was allegedly subjected to torture. He was transferred to police headquarters in Batman on 19 September, where he reportedly remained incommunicado (29 September 1995).

769. Ismet Çelikaslan, a Mersin provincial board member of HADEP (People's Democracy Party), was reportedly detained on 27 September 1995 at police headquarters in Mersin. She is the mother of Leman Çelikaslan, who was allegedly tortured and raped by officers from the Anti-Terror branch of the Ankara police during a 13-day detention beginning on 21 July 1995. According to the information received, Ismet Çelikaslan was visited repeatedly by police officers following her appearance on the satellite television channel "Med TV", in which she presented the allegations concerning her daughter. She was currently reported to be held incommunicado. In addition, Zeyno Arikan and Alisan Albayrak were reportedly arrested on 29 September 1995 by police and gendarme officers in Ankara in connection with suspected illegal political activity. They were said to be held at the Anti-Terror branch in Ankara (2 October 1995).

770. Burhan Mutlu, who was said to have contacts with HADEP, was reportedly detained on 13 October 1995 in Istanbul and was being held incommunicado at the Anti-Terror branch of Istanbul police headquarters (18 October 1995).

771. The following persons were reportedly detained on 17 October 1995, following a demonstration by members of various civil servants' unions in Kizilay Square, Ankara: Gül Dağdeviren, a 16-year-old woman; Ersin Dagdeviren, aged 15; Selma Yiğiter, a female member of Eğitim-Sen teachers' trade union; Kemal Bolat, aged 17; Mehmat Altan; Hilal Üsenir; and Bariş Algül. They were said to be held incommunicado at Ankara police headquarters. Gül Dağdeviren was allegedly suspended by the arms and subjected to electric shocks and her brother, Ersin Dagdeviren, was said to be undergoing torture in an attempt by police officials to press her to sign a "confession" (23 October 1995).

772. Ibrahim Şahin, a former secretary of the Human Rights Association branch in Van, who resigned that post in 1994 after receiving death threats, was reportedly detained at his office in Van on 3 November 1995 by officials from the Anti-Terror branch of Van police headquarters. He was later taken to his home, whereupon police searched the house. He was being held incommunicado at Van police headquarters (7 November 1995).

773. Necmiye Aslanoğlu and Nuran Tekdağ, journalists with Özgür Halk; and Metin Acet, a journalist with Özgür Politika, were reportedly detained at a road-block near Batman on 3 November 1995. Necmiye Aslanoğlu had been detained four times previously, including in December 1993, when she was allegedly subjected to various forms of torture. The three journalists were said to be held at Batman police headquarters (9 November 1995).

774. Gevher Toprak, aged 17 (female), Emrullah Toprak, aged 14 and Fatih Toprak, aged 9, were reportedly detained from their home in Diyarbakir by members of the security forces on 10 November 1995. On 12 November, Fatih Toprak was taken back to the house, where he was said to remain with police personnel. The police also reportedly kept detained in the house Makbule Tutal, aged 70 (female), and Behiye Tutal (female) and her children Mehmet Tutal, aged 3, and Urdayal Tutal, aged 18 months. In addition, Ali Güden, a member of the HRA, was reportedly detained by police on 7 November 1995 and was being held in Mersin. He was suffering from a serious heart condition and might be in need of urgent medical treatment (14 November 1995).

775. Mina Fazelollahi and Maryambanoo Sepehri-Rahnama, both nationals of the Islamic Republic of Iran, were being held in Piram Pasha prison in Istanbul and facing possible deportation to Iran. They had both previously been imprisoned in Iran for political reasons and had allegedly suffered severe ill-treatment during their detention (20 November 1995).

Other communications received from the Government

776. On 29 March 1995 the Government, responding to the observations contained in the report of the Special Rapporteur to the fifty-first session of the Commission on Human Rights (E/CN.4/1995/34, para. 826), wherein the latter characterized its replies as "flat denials", stated that one might define the allegations themselves as "flat". The United Nations human rights machinery had been bombarded with communications containing mostly false allegations, the sole objective of which was to discredit Turkey and weaken its resolve in combating terrorism. Instead of reaching hasty conclusions about Governments, the human rights mechanisms should take effective measures so that they are not manipulated to contribute in one way or another to activities carried out by terrorist groups, thus having to share the moral burden of innocent civilians killed by such groups. The Government was committed to the prevention of torture and all necessary measures to that effect were fully in place.

777. On 16 June and 16 September 1995 the Government provided the Special Rapporteur with statistical information for 1994 and January through June 1995, pursuant to resolution 1994/34 entitled "Question of the impunity of perpetrators of violations of human rights" adopted by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. In 1994, 1,194 complaints were filed of torture and ill-treatment and preliminary investigations were under way in 431 of these cases. The public prosecutors deemed prosecution to be unnecessary in 235 cases. The courts considered 40 cases to be outside their territorial jurisdiction and 70 to be outside their subject-matter jurisdiction. Of the 418 cases that were commenced, the court acquitted the accused in 39 cases, sentences of imprisonment and fines

were passed in 15 cases, 1 complaint was withdrawn and the remaining cases were still in process. As to the first six months of 1995, 547 cases were filed and preliminary investigations concerning 146 of these cases were under way. Prosecution was deemed unnecessary in 131 cases and the courts considered 24 cases to be outside their territorial jurisdiction and 36 to be outside their subject-matter jurisdiction. Of the 210 cases commenced, 28 resulted in the acquittal of the defendants, 16 resulted in cases, the courts passing sentences of imprisonment and fines, and the rest were still in process.

778. On 5 September 1995 the Government sent to the Special Rapporteur a booklet entitled "Realities of Turkey for the West", containing a speech delivered by the Turkish Prime Minister on 20 June 1995 to the Parliamentary Assembly of the European Union and answers to questions posed by members of the European Parliament.

779. On 3 November 1995 the Government transmitted information on the amendments to article 8 of the Anti-Terror Law adopted by the Turkish Grand National Assembly on 27 October 1995.

Turkmenistan

Information transmitted to the Government

780. By letter dated 29 May 1995 the Special Rapporteur informed the Government that he had received a report that Yusup Kuliyev, a journalist, had been detained by agents of the Committee for State Security (KGB) in Ashgabat in October 1994. He was allegedly beaten severely and twice forcibly injected with pain-inducing drugs. He was questioned about an alleged assassination plot and released two weeks after his arrest, reportedly on the grounds of ill-health suffered as a result of his torture in custody.

781. The Special Rapporteur also transmitted the case of Valentin Kopysev, an ethnic Russian member of the unregistered opposition Democratic Party of Turkmenistan, who reportedly had been confined to a psychiatric hospital against his will since February 1994 for no medical reason. His confinement was said to have been ordered as punishment for his participation in opposition political activities.

782. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994 regarding which no reply had been received.

United Arab Emirates

Urgent appeals transmitted

783. On 13 March 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Sheikh'Abd al-Mun'im al-'Ali, an Iraqi national living in exile in the United Arab Emirates since 1980, and 'Abd al-Jalil'Ilwan. They were reportedly arrested in mid-January following raids on their homes in Sharjah by members of the State Security police. They had since been held in incommunicado detention in the State Security headquarters in Abu Dhabi.

784. On 31 October the Special Rapporteur sent an appeal on behalf of Sarah Balabagan, a national of the Philippines, who was convicted of murder on 15 September 1994 and sentenced to death. According to the information received, an appeal court in Al-Ain quashed her death sentence on 30 October 1995 and sentenced her to a one-year term of imprisonment and a flogging of 100 lashes.

United Republic of Tanzania

Urgent appeals transmitted

785. The Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal on 6 July 1995, concerning the situation of a number of refugees from Burundi and Rwanda. Since April 1995, Tanzanian authorities had allegedly ill-treated and forced approximately 300 refugees, including children and elderly persons, to leave Mugoma and enter Burundi. The refugees had then reportedly been attacked by Burundian soldiers, armed with knives and machetes. Three to six refugees had died as a result. In the first week of June 1995, several hundred refugees were reported to have been returned to Burundi from Tanzania. Several refugees were allegedly beaten by Tanzanian soldiers and a number of women were raped. In addition, soldiers allegedly fired on a group of about 250 Rwandan refugees who were trying to cross the border into Tanzania.

United States of America

Information transmitted to the Government and replies received

786. By letter dated 26 June 1995 the Special Rapporteur advised the Government that he had received information indicating that a police practice of placing suspects face-down in restraints, usually while hogtied, had resulted in a substantial number of injuries and deaths in police custody in the country. Such practices, exercised in a number of jurisdictions, were said to restrict respiratory movement and occasionally to lead to death from "positional asphyxia". The risk of death was said to be exacerbated when the restrained person was in an agitated state or under the influence of drugs.

787. In connection with the practices described above, the Special Rapporteur transmitted the individual cases summarized in the following paragraphs.

788. Michael Bryant was reportedly arrested following a car chase in Los Angeles in March 1993. Although unarmed, he was allegedly shot twice with a so-called taser gun, hit with batons, hogtied and placed face-down on his stomach in a police car. Police procedures in force at the time had stipulated that hogtied suspects should be placed on their side and not face-down. In the previous five years, at least seven other persons in Los Angeles county were reported to have died in police custody in which hogtying was found to be the cause of death or a contributory factor. Despite these considerations, the Los Angeles Police Department (LAPD) reportedly found no fault in the officer's action.

789. Cristino Hernandez, an immigrant from El Salvador with a history of mental illness, died after he was reportedly twice sprayed with pepper spray (oleoresin capsicum) and subsequently placed face-down by police in Worcester, Massachussetts, in July 1993. Police officers applied pressure to his body and forced his arms, which were handcuffed behind him, up over the back of his head for several minutes in an "unnatural" position while he lay face-down on the ground. An inquest judge was said to have determined that he had died from lack of oxygen as a result of this treatment.

790. Ernest Sayon, of Liberian origin, reportedly died following his arrest in April 1994 by three police officers of the New York Police Department (NYPD). Although a New York City medical examiner had found the cause of death to be "asphyxia by compression of chest and neck while [he was] rear-handcuffed and prone on the ground immediately following a struggle in which he sustained blunt impacts to his head and trunk", a grand jury declined to file charges against the officers.

791. Anthony Baez reportedly died from asphyxia in December 1994 during an altercation with six NYPD officers, after his football accidentally hit two parked patrol cars in the Bronx. The case was said to be under investigation by the Bronx District Attorney.

792. The Special Rapporteur also informed the Government of reports he had received concerning the alleged torture or ill-treatment of inmates at several prisons and jails in the country. At the Terrell Unit of the Texas state prison system, Michael McCoy was allegedly beaten and kicked to death on 7 November 1994 by two guards, who were acting in retaliation for his having spat at another guard earlier in the day. The guards were subsequently charged with his murder and their trial was said to be pending. Another prisoner at the Terrell Unit, Randy Payne, was allegedly attacked repeatedly by inmate gangs for refusing to pay protection money, while guards watched and took no action to prevent the assaults. He died on 12 August 1994 as a result of the beatings.

793. A number of inmates of the Knox County Jail, Tennessee, were reportedly left handcuffed spread-eagled to bars for periods of one hour or more with their feet barely touching the ground. Other inmates at the jail were allegedly placed in a restraining chair and forced to wear a helmet with the visor blacked out, which was then struck by prison guards using fists, flashlights and other objects. Investigations by the Knox County Sheriff's Department and the Federal Bureau of Investigation (FBI) were instituted in late 1994, but the results were as yet unknown.

794. Conditions at certain maximum security facilities were said to result in the inhuman and degrading treatment of the inmates in those facilities. At the H-Unit in the Oklahoma State Penitentiary at McAlester, death row inmates were reportedly confined for 23 to 24 hours per day in windowless, sealed, concrete cells, with virtually no natural light or fresh air. The only time spent outside these cells was one hour per day on weekdays, when four prisoners at a time were able to exercise in a bare concrete yard with 18-foot solid walls giving no view of the outside. There was very little direct contact between prisoners and guards and no work, recreational or vocational programmes.

795. Similarly, at the Special Housing Unit (SHU) of Pelican Bay prison in California, prisoners were reportedly confined, either alone or with one other prisoner, for 22½ hours per day in sealed, windowless cells with bare white concrete walls. The cell doors were made of heavy-gauge perforated metal which, according to a federal district court, "blocks vision and light". A substantial number of prisoners in SHU were said to be suffering from mental illness, which had been caused or exacerbated by their confinement in the Unit. In recent litigation, the federal district court concluded that conditions there "may press the outer bounds of what most humans can psychologically tolerate". A large number of prisoners were said to be assigned to the Unit indefinitely.

796. On 21 November 1995 the Government sent a reply regarding the general concerns raised by the Special Rapporteur. The Constitution and laws of the United States and those of its constituent states prohibited torture and any form of cruel and unusual punishment; the Constitution protected every individual's right to bodily integrity and security of person, including the right to be free from excessively forceful arrest; and the law of the United States and of its constituent states provided numerous judicial, administrative and other remedies and avenues of recourse for indviduals who claimed that, in the course of their arrest or detention, law enforcement officials had inflicted torture or cruel and inuman treatment or punishment. The reply went on to discuss and analyse particular legal standards and practices applicable to issues concerning segregation and solitary confinement, use of excessive force by prison guards, use of excessive force by police officers, as well as of criminal and civil remedies available to alleged victims.

797. The Special Rapporteur's request for information with respect to the individual cases raised would be conveyed to the attorneys-general of the states concerned with a recommendation to the state authorities to provide a more detailed response.

Uzbekistan

Urgent appeals sent

798. On 26 September 1995 the Special Rapporteur transmitted an urgent appeal on behalf of Nadira Khidoiatova and Asia Turaniyazova, who were reportedly arrested on or around 11 July 1995, detained at the premises of the National Security Service and charged with violating a provision of the Customs Code concerning the export of animal skins. Nadira Khidoiatova, who was three months' pregnant and Asia Turaniyazova, who was in her fifth or sixth month of pregnancy, were both allegedly forced against their wills to undergo abortions while in detention. Although each woman was told independently by medical prison personnel that the abortions were required for medical reasons, neither was given the ultrasound examination that would be necessary to establish the condition of the foetuses. It was alleged that the actual reason the abortions were ordered was to prevent the women from being released from custody pending trial, as required under law with respect to pregnant women. It was further alleged that Nadira Khidoiatova had been threatened that if she did not give formal consent to the abortion, she would be taken out of the hospital and have it performed anyway and "in worse conditions". An official

reportedly threatened that the women would suffer adverse consequences if information regarding their arrests and abortions were brought to the public attention. In addition, the two women had allegedly been denied access to independent medical examination and treatment in custody.

Venezuela

Información transmitida al Gobierno y respuestas recibidas

799. El 10 de julio de 1995, el Relator Especial transmitió al Gobierno los casos de tortura que figuran en los párrafos siguientes.

800. Mario Landino y su hijo Henry Landino, miembros de la comunidad indígena barí, fueron detenidos en marzo de 1993 por una patrulla militar en la localidad de El Cruce, municipio de Catatumbo, Zulia. Durante ocho días habrían permanecido en situación de incomunicación en un lugar secreto y habrían sido sometidos a diversas formas de tortura tales como intentos de asfixia mediante la introducción de la cabeza en bolsas de plástico conteniendo amoniaco o con una cuerda atada al cuello, golpes, quemaduras con sustancias caústicas y amenazas de muerte. Además se les habría inyectado una sustancia que producía una sensación de ardor en todo el cuerpo. En esas circunstancias habrían sido obligados a firmar confesiones de colaboración con la guerrilla colombiana. El 4 de abril de 1994, fueron trasladados a la estación de policía de Santa Bárbara, después de haber sido amenazados con que se les aplicaría corriente eléctrica si denunciaban la tortura de que habían sido objeto por parte de los militares. En Santa Bárbara permanecieron tres días durante los cuales no se les habría proporcionado agua ni alimentos. Un doctor perteneciente a la policía técnica judicial les habría examinado pero no habría hecho constar en el informe correspondiente las heridas de que sufrían. Posteriormente fueron trasladados a la prisión de Sabaneta en Maracaibo bajo acusación de actividades guerrilleras. El informe del doctor que los examinó en la prisión confirmaría que Mario Landino tenía varias costillas fracturadas, quemaduras y heridas en los ojos.

801. Freddy Ramón Alcarra Rangel fue detenido el 28 de septiembre de 1993 en su domicilio de Caracas por funcionarios de la policía metropolitana bajo sospecha de tráfico de drogas. El 1° de octubre fue trasladado, en buen estado físico, desde la Central de la policía técnica judicial al retén de Catia donde su esposa pudo verlo posteriormente con múltiples contusiones y desorientado hasta el punto de no reconocerla. Falleció cuatro días más tarde. El caso fue denunciado ante la Fiscalía General de la República sin que haya habido un resultado.

802. Freddy Pérez Paniagua fue detenido por cuatro miembros de la Dirección de Inteligencia Militar en Valencia el 26 de agosto de 1994. Permaneció en situación de incomunicación durante tres días, en el curso de los cuales habría sido torturado, en particular mediante la aplicación de corriente eléctrica. Un miembro de la Comisión de Derechos Humanos del órgano legislativo del estado de Carabobo que lo visitó el 29 de agosto habría confirmado que presentaba señales de haber sido torturado.

803. Juan Vicente Palmero, José Alirio Dávila, Luis Bracca, Luis Alberto Macualo (colombiano), Cruz Antonio Martínez, Wilson Manuel Fajardo Acosta, Yonny Alberto Salazar Bona, Yummy Javier Salazar Bona, Juan Ceferino Rodríguez (colombiano), Julio Aldemano Artona, Francisco Ramón Hernández, Luis Carlos Navarro Bona (colombiano), Kevys Palmera (14 años). Según se informó los mencionados formaban parte de un grupo de aproximadamente 23 personas que fueron detenidas entre los días 26 de febrero y 3 de marzo de 1995 por funcionarios militares del puesto de la marina en Cararabo, estado de Apure, bajo sospechas de estar involucradas en un ataque al destacamento de la infantería de la marina nacional en la zona fronteriza del país. Mientras permanecieron detenidos habrían sido severamente golpeados y amenazados de muerte. Algunos habrían sido objeto además de otras formas de tortura tales como quemaduras, simulacros de ejecución e intentos de asfixia. En relación con estos incidentes, el Relator Especial tomó nota con interés del texto del comunicado de prensa emitido el 7 de abril de 1995 por el Ministro de Defensa que le fue transmitido por la Misión Permanente de Venezuela y en el que se indicaba que se estaba efectuando una investigación sobre los mismos. El Relator Especial solicitó ser mantenido informado de los resultados de la misma.

804. Julio Rafael Tovar, Andrés Blanco, Carlos Ramón Iruiz Apoto y Angel Jaidar Iruiz fueron detenidos el 14 de enero de 1995 en Caicara del Orinoco, estado de Bolívar, por efectivos de la guardia nacional, destacamento N° 87, al mando del mayor Jesús Rodríguez. En presencia de familiares y vecinos de la localidad habrían sido sometidos a diversas formas de tortura tales como sumergirles la cabeza en abrevaderos para animales, golpes con objetos contundentes, colgarlos por los pies y suministrarlos corriente eléctrica.

805. En circunstancias similares a las anteriores fue detenido el 15 de enero de 1995 Eduardo Manuel Farfán. Según se informó, dentro del comando de la guardia nacional fue obligado a sentarse en una silla esposado e inclinado hacia atrás; en esta posición se le habría provocado asfixia mediante una bolsa de plástico con sustancias irritantes colocada en la cabeza y habría sido golpeado con un bate de madera en diversas partes del cuerpo. También habría sido quemado en la frente con un cigarro y habría sido obligado a permanecer de rodillas con las manos detrás de la cabeza durante seis horas.

806. En la misma fecha mencionada el Relator Especial volvió a transmitir al Gobierno ocho casos enviados por primera vez en 1994 sobre los que no había recibido respuesta o ésta era incompleta.

Llamamientos urgentes y respuestas recibidas

807. El Relator Especial transmitió al Gobierno tres llamamientos urgentes cuyos detalles se indican en los párrafos siguientes. Figuran entre paréntesis las fechas en que los mismos fueron transmitidos.

808. Isabelino Bustamante fue detenido el 14 de julio de 1995 y puesto a disposición de la policía técnica judicial de Guasdalito, Apure, quien le habría golpeado severamente. Otras 19 personas fueron detenidas en la misma fecha y circunstancias, habiéndose expresado temores respecto a su integridad física. (21 julio 1995). El 14 de septiembre de 1995, el Gobierno informó

que el Ministerio Público ordenó practicar un examen médico a los presuntos implicados, habiendo concluido el mismo que no se apreciaban lesiones físicas externas y que la salud de los examinados se encontraba dentro de los límites normales.

809. Carlos José González, Osman José Colina Hernández, Guillermo Tamayo Rivas, Juan José Villamizar, Luis Gerónimo Velázquez y José Vargas Pérez. Estos estudiantes fueron detenidos por miembros de la Guardia Nacional el 17 de octubre de 1995 cuando participaban en una manifestación pacífica en la Universidad de Carabobo, Naguanagua, Valencia. Fueron trasladados a los locales de la policía donde representantes de la universidad así como de la Comisión de Defensa de los Derechos Ciudadanos pudieron visitarlos al día siguiente. Estos representantes habrían constatado que los detenidos gozaban, en general, de buen trato. Sin embargo, el 19 de octubre habrían sido golpeados mientras se les trasladaba al juzgado donde habrían sido inculpados en aplicación de la Ley de vagos y maleantes (25 octubre 1995).

810. Daniel José Urbano Frisneda fue detenido el 6 de noviembre de 1995 en Catia, Caracas, por miembros de la guardia nacional que lo habrían golpeado. Durante los seis días siguientes se le mantuvo incomunicado en una subestación de la guardia nacional en La Vega donde habría sido nuevamente golpeado. Todo tratamiento médico le habría sido negado, a pesar de requerirlo su estado (28 noviembre 1995).

Yemen

Information transmitted to the Government

811. By letter dated 11 April 1995 the Special Rapporteur advised the Government that he had received information indicating that torture and ill-treatment of both criminal detainees and persons detained for political reasons was routine. Allegations of torture were said generally to go uninvestigated. The incidents of torture reportedly increased dramatically during and in the aftermath of the civil armed conflict from May to July 1994. Methods of torture reported include beatings all over the body with cables, application of electric shocks, actual or threatened rape and "Kentucky Farruj" (suspension from a metal bar inserted between the hands and knees which are tied together). Military personnel arrested during or after the conflict were allegedly tortured so as to force them to divulge military information. Underground torture cells were said to exist at the Political Security detention centre in Sana'a.

812. By the same letter the Special Rapporteur also transmitted the individual cases described in the following paragraphs.

813. Colonel Muhammad Saleh al-Najjar, a member of the armed forces loyal to the Yemeni Socialist Party (YSP), was reportedly arrested in June 1994 and held at the Political Security detention centre in Ta'iz. He was allegedly tortured, resulting in his frequently vomiting blood and suffering from acute kidney pains. He was transferred to an unknown location and his subsequent whereabouts were unknown.

814. Nabil 'Ali Ahmed al-Daudahi, from Kila village in Lahj province, was reportedly arrested with his father by army personnel on 1 June 1994 after his father had refused to give false testimony that he had witnessed a killing. They were held in solitary confinement, where Nabil al-Daudahi was allegedly beaten severely. He was said to have been subsequently transferred to hospital.

815. Yahya Ahmed Ahmed al-Jahari, a YSP member from Sana'a, was reportedly arrested on 20 June 1994 by army personnel and was allegedly held shackled for 18 days in an underground solitary cell. During interrogation he was reportedly beaten with cables on his wrists and legs and he sustained severe injuries as a result.

Urgent appeals transmitted and replies received

816. The Special Rapporteur transmitted an urgent appeal on 11 August 1995 concerning Mubarak Salih al-Zaydi, who was arrested on 6 August 1995 in Sana'a, by members of al-Amn al-Siyassi (Political Security), reportedly under suspicion of having connections with the suspended political party Ittihad al-Qiwa al-Sha'biya (Union of Popular Forces). He was said to be held incommunicado in an unknown place of detention.

817. On 16 October 1995 the Government replied that the connection of Mubarak Salih al-Zaydi with a suspended political party had nothing to do with his arrest. Rather, he had been arrested on charges of disturbing national security. He was released after presenting guarantees that he would refrain from causing public disturbances. He had not been held incommunicado nor ill-treated.

Yugoslavia

Information transmitted to the Government and replies received

818. By letter dated 11 April 1995 the Special Rapporteur informed the Government that he had received reports indicating that the practice of torture and ill-treatment of ethnic Albanians in Kosovo by police officers, as described in his letter of 21 July 1994 (see E/CN.4/1995/34, paras. 875-877 amd 892), was continuing. In a reply dated 13 July 1995 the Government asserted that the letter of the Special Rapporteur was replete with unfounded allegations intended to create an erroneous picture of alleged mass and systematic terror in Kosovo and Metohija. Contrary to the allegations, there had been no "ethnic cleansing" within the Serbian police force. Ethnic Albanians had left the police force at the behest of nationalist separatists and secessionists and as they absented themselves from work and refused to perform their duties, legal conditions were created for the cessation of their employment. Accordingly, no discriminatory measure was taken against them; only "law" was applied.

819. The Government also stated that "coercion measures" were applied very selectively and in accordance with law and, as a rule, only when the protection of the lives of police officers, citizens and their property could not be ensured in any other way. Interventions during which "coercion

measures" were applied and cases of excessive use of force, i.e. of unjustified use of force, were examined separately and, if found responsible, police officers were disciplined and/or prosecuted.

820. By the same letter, the Special Rapporteur also transmitted the individual cases described in the following paragraphs. The reply of the Government follows the corresponding summary.

821. Ali Murat Murati, aged 90, from Donja Lapaštica village near Podujevo, was allegedly beaten unconscious by five or six police officers during a raid on his home on 11 February 1994 by a combination of police officers and State security officers from Priština. The officers demanded that he relinquish arms in his possession and commenced the beatings when he replied that he possessed no such arms. A medical certificate revealed evidence of injuries throughout his body. The Government replied that no measures had been taken against Ali Murat Murati.

822. Fevzi Musliu and his father, Bislim Musliu, from Donje Stanovce village near Vučitrn, were allegedly beaten severely by police at Prilužje police station on 2 December 1993. Fevzi Musliu began to urinate blood following his release and subsequently became critically ill and left the country to seek medical treatment. The Government replied that measures had been taken against neither Fevzi Musliu nor Bislim Musliu.

823. Marjan Frrok Kita, from Veliko Kruševo, near Klina, was reportedly summoned to the police station in Klina on 26 January 1994 for questioning about alleged arms possession. He was allegedly beaten severely on the day of and the day following his arrest and again on 1 February 1994. The Government replied that no measures had been taken against Marjan Frrok Kita.

824. Ilaz Rexhepi, from Kačubeg near Podujevo, was reportedly arrested at his home on 12 April 1994 and taken to the police station in Lužane, where he was allegedly beaten severely for three hours and then left in a ditch beside the road. The Government replied that no measures had been taken against Ilaz Rexhepi.

825. Bahri Shyti, from Ošljane village near Vučitrn, was allegedly beaten severely during a police raid on his home on 19 April 1994. He was taken to Kosovska Mitrovica hospital, where he remained for treatment until 29 April 1994. A medical certificate revealed that he had been treated for a contusion with subconjunctival haemorrhage of the right eye, a laceration under the right eye, bruising on the back and upper part of both arms, bruising on both buttocks and bruising on the left foot. The certificate concluded that the injuries had been caused by heavy blows with a blunt instrument. The Government replied that no measures had been taken against Bahri Shyti.

826. Fatmir Çitaku, from Baje village near Kosovska Mitrovica, was allegedly beaten severely at Rudnik police station on 6 May 1994, after 20 armed police officers had searched the home of his 70-year-old father, Bekë Çitaku, for arms. The following day the officers reportedly returned to the home and beat Bekë Çitaku in the presence of the family. The Government replied that no measures had been taken against Fatmir Çitaku.

827. Milazim Binaku, aged 61, from the "Tavnik" district of Kosovska Mitrovica town, was reportedly arrested on 5 May 1994 and taken to the police station. After he denied possessing a gun, the police drove him back to his house and, after searching it and finding no gun, took him back to the police station and allegedly beat him severely, causing injury. He was then released and ordered to report to the station again the next day. The Government replied that no measures had been taken against Milazim Binaku.

828. Ymer Dajaku, from Rakinice near Srbica, was reportedly summoned to the police station in Rudnik for questioning in connection with arms possession on 2 June 1994. Upon arrival the next day, he was allegedly beaten severely for two hours, resulting in his injury. The Government replied that no measures had been taken against Ymer Dajaku.

829. Shukrije Haxha, from Brajina village near Podujevo, was reportedly beaten severely by police officers, who also allegedly placed a rifle butt between her legs while they carried out a search of her home on 31 July 1994. She was said to have sustained bruises all over her back, thighs and arms. The Government replied that no measures had been taken against Shukrije Haxha.

830. Kadri Avidu, from Belpoje village and President of a Democratic League of Kosovo (LDK) local branch in Trnave near Podujevo, was reportedly arrested at his home on 27 June 1994 by three officers who demanded that he and his brother turn over weapons. He was taken to the Lužane police station, where several officers allegedly punched him in the head and jaw, tied his legs together and beat him severely with a stick on the soles of his feet, causing him to lose consciousness. The officers awakened him with cold water and continued to beat him on the feet, which resulted in his losing consciousness four more times. He was also allegedly struck on the back with a stick four times and ordered to report to the police station the following day. He left home to receive medical care in Priština. His brother was allegedly threatened with death if Kadri Avidu did not report again to the police. The Government replied that no measures had been taken against Kadri Avidu.

831. Arian Curri, a secondary school student from the village of Gornji Streoci near Peć, was reportedly arrested on a bus on his way home from school on 6 April 1994 during an inspection of identity cards. After he had shown two police officers his identity card, they allegedly grabbed him by the hair and took him and two other persons to the police station. At the station, three officers allegedly tied him to a radiator and sat on top of him. One of the officers then allegedly carved with a knife onto his chest a cross and the Cyrillic "S" four times, which is said to stand for the motto "Only Unity Saves the Serb". He was later driven back to the bus stop in Peć. He was said to retain the scars of the carving. The Government replied that no measures had been taken against Arian Curri.

832. Hajdin Istref Bislimi, from the "Bair" district of Kosovska Mitrovic, was reportedly arrested on 9 May 1994 at his home and taken to the police headquarters in Kosovska Mitrovica. He was allegedly beaten, released and rearrested and beaten again the following two days. He was found outside the police station on 11 May unconscious and taken to the town hospital and placed in the intensive care ward. He was then transferred to hospital in Priština and operated upon twice for a stomach ulcer. He died in hospital on 6 July

from a perforated ulcer, which it is suspected may have been induced by the beatings inflicted at the police station. No autopsy was carried out. Upon requesting a medical certificate, the family were given one that was neither stamped nor signed and thus they refused to accept it. The Government replied that no measures had been taken against Hajdin Istref Bislimi.

833. Fetah Berisha, chairman of the Orahovac branch of the LDK, his brother Kadri Berishsa, and Ali Muharremi were reportedly arrested on 29 July 1994 and taken to Orahovac police station and beaten severely. The three men were said to have been hospitalized at "Isa Grezda" hospital in Djakovica. Ali Muharremi had previously been arrested and beaten on 22 July with his brother Muharrem Muharremi and Veli Zyberaj, as a result of which Veli Zyberaj was hospitalized for eight days in Djakovica. The Government replied that they had neither been arrested nor beaten severely. They were taken along with another person on whom two unlicensed pistols were found to the police station and were allowed to leave after a brief interrogation. No "coercion measures" were taken against them and they were not ill-treated.

834. Fehmi Lestrani, Shkëlzen Bajrami, Nexhmedin Sadriu, Luan Heta, Beqir Muleci, Hysni Franca and Bajram Gallopeni were reportedly convicted on 8 August 1994 by the district court of Priština on charges of having undertaken military training in Albania. The convictions were said to have been based largely on statements that were obtained from the defendants during the investigation procedures through torture and ill-treatment. The police officers who allegedly tortured Nexhmedin Sadriu were said to have apologized for the torture and to have told him that they knew he never had been to the alleged military training site, but that they had to force him to sign the incriminating statement none the less. Shkëlzen Bajrami during his interrogation was allegedly tortured with electric shocks and threatened with being taken to the Albanian border and "liquidated". The Government replied that no measures had been taken against Fehmi Lestrani and Shkelzen Bajrami. As to the others, they had been treated correctly and within the limits provided for by law, without recourse to "coercion measures". The criminal responsibility of these persons was established in legal criminal proceedings before a competent court.

835. Rexhep Ahmeti and Bujar Naxhiu, teachers at the "Architect Sinani" secondary school in Kosovska Mitrovica, were reportedly beaten by police on 13 December 1994, after the police had entered the school building and ordered the pupils to leave. The officers also reportedly forced Rexhep Ahmeti to burn a textbook by a Croatian author and forced another teacher, Luljeta Sefaja, to burn an English-language textbook. The next day, the police reportedly entered another secondary school in Kosovska Mitrovica, the Trepča technical school, and beat pupils who tried to flee. They allegedly beat Sami Rama, a teacher, and forced him to place his hands on a burning stove, causing him to receive severe burns, as a result of which he required medical treatment. The police also allegedly slapped and hit another teacher, Avdi Haxhiu (female). The Government replied that no measures had been taken against these persons.

Information received from the Government with respect to cases included in previous reports

836. In a letter dated 18 January 1995 and in the above-mentioned letter of 13 July 1995, the Government replied to a number of cases transmitted by the Special Rapporteur in his letter of 21 July 1994.

837. With respect to Behajdin Hallaqi, Hysen Gegaj, Binak Berish, Iliaz Kadolli and Shefki Muçaj, who had allegedly been ill-treated in custody in August 1993, their sentence was commuted by the Supreme Court of the Republic of Serbia on 10 May 1994 to 1 to 2½ years' imprisonment. There was no evidence that they were ill-treated and they were not convicted on the basis of the statements made to the police. The indictment against them was filed on the basis of statements made to the investigating judge and other evidence collected during the investigations.

838. As to Ukë Bitçi, the President of the Suva Reka branch of the LDK whose alleged torture in police custody in October 1993 reportedly prompted him to sign a confession, proceedings in his appeal before the Supreme Court of the Republic of Serbia were under way. His indictment had been based on evidence collected during the investigation and the statement made before the court, not the police. According to relevant regulations in force in the Federal Republic of Yugoslavia, statements made to the police cannot be used as evidence. There was no evidence that he had been ill-treated during investigations or that he had been coerced to make a statement.

839. With respect to the following alleged victims of ill-treatment or torture, the Government replied that the Ministry of Internal Affairs had filed charges against them on suspicion that they had committed the criminal acts of endangering the territorial integrity of the country, association for hostile activities, armed rebellion and weapon charges: Fisnik Cukaj, Sadri Shala, Ymer Shala, Ali Lajçi, Xhavit Haziri, Ismet Mahmuti, Hajredin Hyseni, Faik Ajeti, Raif Çela, Salih Mustafa, Salih Salihu, Nehat Selimi, Ramadan Pllana, Islam Mulaku, Ajet Berisha, Bajrush Xhemajli, Sanie Aliu, Ramize Abdullahu, Shemsi Veseli, Rexhep Avdiu, Skender Hajdari, Hamit Zeqiri, Ahmet Haxhiu, Agim Krasniqi, Bilall Syla, Ibish Kelmendi, Halit Rama, Xhelil Rama, Fazli Maloku, Adem Salihaj and Sulejman Hasani. According to the Government, these persons were all treated correctly and within the limits provided for by law, without recourse to "coercion measures".

840. As to allegations regarding the frequent incidence of ill-treatment of ethnic Albanians in Kosovo, during and after weapons searches in their homes, the Government replied that in accordance with its powers provided for by law, the Ministry of Internal Affairs had taken "certain measures" against a number of persons mentioned in the letter of the Special Rapporteur. In the cases of the following persons firearms were found and seized during house searches: Mehmeti Rexhep, Salihaj Ilaz, Shemsi Gashi, Zojani Shefket. The reply did not specifically address the allegations of ill-treatment with respect to these persons.

841. With respect to the following cases of alleged torture or ill-treatment, the Government stated that the members of the Ministry of Internal Affairs had in fact taken no measures and actions against the alleged victims: Haki Havolli, Ndue Gajamni, Mëhill Gojani, Shpetjim Hashami, Bekim Gashi, Labinot Hoti, Dinorja Miftari, Tafil Brahimaj, Bexhet Jashari Bexheti, Lavdim Dukaj, Vehbi Mulaj, Sami Kurteshi, Ali Shala and Besnnik Maloku. The Ministry had also established that no person named Nuhi Krasniqi exists.

842. As to Ademaj Xhemila, who was allegedly beaten by police on 2 February 1994 after police had come to her home in search of her brother and she had sustained injuries while resisting arrest, three police officers had been charged with inflicting serious bodily injuries upon her by the district public prosecutor in Peć. Proceedings in the case were under way.

843. In the case of Adem Zeqiraj, who was allegedly beaten in police custody in December 1992 and sustained serious kidney damage which resulted in his death, the Government replied that he had in fact slipped and fallen while running away from police when they came to his house. His death had been due to injuries sustained in this fall. No "coercion measures" had been used against him.

844. As to the 37 persons named by the Special Rapporteur who had allegedly been arrested and ill-treated following a concert in Urosevac to commemorate Albanian nationalist leaders, the Government replied that police had in fact taken 27 of the 60 participants to the police station for questioning, as the gathering had not been reported to the competent authorities. After a brief interrogation all the arrested persons were allowed to go home. They were neither ill-treated nor were "coercion measures" used against them.

845. The Government also replied to the urgent appeal transmitted by the Special Rapporteur on 23 September 1994 on behalf of Ganimet Padorvica, an ethnic Albanian who was being held in Priština in connection with a shooting in which two Serbian police officers were killed. According to the reply, he had been detained on weapons charges. He did not state that he had been subjected to either physical or mental torture by members of the Ministry of Internal Affairs or by the staff of Priština district prison and his lawyers had not complained that he was tortured.

Zaïre

Informations transmises au gouvernement

846. Le 20 juin 1995, le Rapporteur spécial a avisé le gouvernement qu'il avait reçu des informations selon lesquelles il y aurait à Kinshasa plus de 200 cachots et lieux de détention secrets de la police (Service national d'intelligence et de protection, SNIP) et des forces armées où, comme dans le reste du pays, on pratiquerait couramment des méthodes de torture telles que flagellation, électrochocs, suspension par les pieds en plein soleil, bastonnades, coups de fouet et abus sexuels. D'autre part, les conditions de détention seraient déplorables; des dizaines de personnes seraient entassées dans des cellules exiguës, sans aération, avec tout manque d'hygiène et avec un régime alimentaire et des services médicaux presque inexistants. Les

détenus sains seraient gardés dans les mêmes cellules que ceux souffrant de maladies contagieuses. Censés n'être gardés que pendant 48 heures maximum pour être transférés chez le juge selon le Code de procédure pénale, certains de ces détenus resteraient plus de quatre mois sans être autorisés à communiquer régulièrement avec leurs familles. Celles-ci ne seraient même pas notifiées en cas de décès ou maladie. Rarement un registre serait tenu dans ces différents lieux. Les cas individuels suivants ont été signalés.

847. Mandiangu Banikina Donald aurait subi des tortures le 14 juin 1994 dans les locaux de la 11e circonscription militaire de la Gendarmerie de Kinshasa, suite auxquelles il aurait perdu la sensibilité de son oreille gauche.

848. Déo Kambale Vulenderwa, militant de l'Union pour la démocratie et le progrès social (UDPS), a été arrêté le 9 novembre 1993 à Butembo par un officier de la Division spéciale présidentielle (DSP). Il a été détenu jusqu'au 28 février 1994 au camp de Tshatshi (Kinshasa), où il recevait chaque mardi et vendredi des coups, soit sous la plante des pieds, soit aux fesses ou au dos.

849. Tekasala a été arrêté le 7 août 1994 par des militaires de la DSP (camp Tshatshi) qui l'accusaient d'avoir tué un chimpanzé du jardin présidentiel. Chaque matin jusqu'au 10 septembre, il aurait été ligoté, suspendu à une branche d'arbre et on lui aurait administré plusieurs coups de chicotte.

850. Kaswanza Kaswangi, Lasansuka, Muledi Digo et Clément Nzofu auraient été détenus du 4 au 23 août 1994 à la prison de Gungu (Bandundu). Tous les matins, sur instruction du lieutenant Akunda de la gendarmerie, ils auraient été laissés complètement nus, ligotés et battus à coups de matraque et de bâton, avant que les gendarmes leur déversent des seaux d'eau froide.

851. Simon Ambake Yogo et Corneille Muma Nzambe, du village Boso Muanga (Equateur), auraient été arrêtés le 23 juin 1994 sur ordre du lieutenant Ilolela, commandant de la compagnie de la gendarmerie de Basankusu, sous accusation de sorcellerie. Détenus au cachot, ils auraient été flagellés et battus par les gendarmes. Ces derniers auraient également fait chauffer un fer à repasser à braises avant de le passer sur le corps des détenus.

852. Charlotte Nakano a été détenue du 25 octobre au 2 novembre au cachot de la 11e circonscription militaire de Kinshasa, où elle aurait été battue, enfermée dans un placard et suspendue à un arbre la tête en bas.

853. Marie Agbassoa Matanga aurait été arrêtée le 13 mars 1994 sur ordre du commandant de compagnie intérimaire de Bandundu, M. Charles Ngandila, alors qu'elle était enceinte. Elle aurait perdu son enfant suite aux coups violents reçus des gendarmes durant sa détention.

854. Martin Kavundja, président de l'Union des forces sociales (UFOS), a été arrêté le 2 février 1995 à Kinshasa et emmené aux bureaux de la Garde civile situés sur l'avenue de la Victoire, dans la zone de Kasa-Vubu. Au cours des cinq jours de sa détention, il aurait été brutalement battu et pendu avec sa propre cravate.

855. Patrick Kibwe Malangisha, de nationalité zambienne, a été arrêté le 8 août 1994 à Lubumbashi sur ordre de M. Manjamba, agent de la Brigade spéciale de recherche et de signalement (BSRS). Avant d'être libéré ce même jour, il aurait subi des tortures. Interné le 9 août à l'hôpital Sendwe et le 22 août aux cliniques universitaires, il serait décédé à la suite d'une hémorragie interne.

856. Patrice Wami Risasi, détenu du 13 au 28 juin 1994 sur ordre de l'adjudant Kunzonza de la brigade mobile de Kisangani (Haut-Zaïre), aurait subi des tortures et en serait décédé le 29 juin. Malgré plusieurs dénonciations, M. Kunzonza n'aurait fait l'objet d'aucune poursuite judiciaire.

857. Kabongo Dila Nzevu serait décédé le 17 septembre 1994 suite aux tortures subies dans un cachot de la Garde civile à Kinshasa où il était détenu depuis le 11 juillet. Il aurait reçu plusieurs coups de baïonnette lui provoquant des blessures qui n'ont pas été soignées.

858. Ngelesi Muzela et Joachim Kimbeni, militants respectivement de la section du Parti lumumbiste unifié PALU/Gungu (Bandundu) et de la cellule Kingombe, ont été arrêtés le 15 juillet 1994. Emmenés dans une prison de la collectivité de Sungu, ils auraient été battus et auraient succombé quelques jours plus tard aux blessures subies.

859. León Muntuntu Kadima, membre de l'UDPS, a été arrêté à son domicile le 5 juillet 1994 par six membres de la Garde civile. Il aurait été transféré à l'Institut supérieur des bâtiments et travaux publics, immeuble apparemment utilisé par la Garde civile comme centre de détention secret où il aurait été torturé, en particulier au moyen d'électrochocs.
